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## You can't! The daily exercise of police authority in Rio de Janeiro : 1907-1930

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**MARCOS LUIZ BRETAS**

***YOU CAN'T!***  
***THE DAILY EXERCISE OF POLICE AUTHORITY IN***  
***RIO DE JANEIRO: 1907-1930***

Thesis Submitted for the Degree of Doctor of Philosophy

Department of History

Faculty of Arts

The Open University

May 1995

## **ABSTRACT**

The police of Rio de Janeiro had an important role in the reform of the city in the early twentieth century. The impetus to build a modern city influenced elite intellectuals to try to reform the police in the modern, scientific fashion. After the first wave of reforms receded, the police was abandoned to a less prominent role, and left without resources to carry on the modernising process, resulting in the need to develop their own methods of work derived from their daily experience. The main purpose of this thesis is to look closely at daily police activity, trying to show how policemen developed their ways of viewing the world and their procedures from the experiences they faced. From their contacts with state administrators, in the figure of the Chief of Police, with members of the elite, and with the vast majority of poor citizens, policemen began to define the extent and limits of their power, building their place in the networks of patronage and authority that permeated Rio's society. They had to combine an unchecked power to deal with those they classified as the criminal classes, composed of the dispossessed, and an attitude of subservience to the powerful, in a pattern that characterises twentieth-century policing in Rio de Janeiro.

## ACKNOWLEDGEMENTS

It is impossible to finish a work that has taken four years without incurring in more debts than can be properly acknowledged. Therefore I would like to begin by all those who I am going to omit, especially all the librarians and archivists who helped make this work possible.

The second debt is certainly financial: this work is the result of the support provided by the Conselho Nacional de Desenvolvimento Científico e Tecnológico - CNPq and by Fundação Casa de Rui Barbosa.

Obtaining access to police documents is not always an easy task. It would have been impossible to develop this work without the interested assistance of Julita Lemgruber, director of the DESIPE, and of Nilo Batista, then Secretário de Polícia Civil of Rio de Janeiro. Their help was complemented by the support of the then Diretor Executivo of the Fundação Casa Rui Barbosa, Agnelo Uchoa Bittencourt, who offered the resources of its microfilm division to copy all the documents I needed.

Intellectual debts involve many scholars, but I would like to mention those who read and discussed parts of this thesis: Barbara Weinberger, David Pereira Moraes, Richard Bessel, Anne Laurence, and the participants of the seminars of the European Centre for the Study of Policing, where I probably pilfered - to remain in police terms - many ideas which appeared on the debates. Clive Emsley, my supervisor, more than deserves his mention; always interested, always keen on new ideas, always ready to contribute with a new reference on some obscure issue of policing in India or Saint Petersburg, I can not think of



any complaints to hold against him, which is more than can be said of most supervisors I have heard of. He certainly made my task easier.

My family had to bear my gloomy moods, distracted attention, exasperation, and all such states of mind known to those who have been through thesis' writing. They did it with style. My wife, Anna Paola, certainly required all the patience she does not have, and even found strength to read and discuss - shall we ever agree? - every step of the work. My sons, Guilherme and Augusto, had to live with less of their father than they deserved, and to see them growing up is something I can feel proud of.

I would be happy to end with this note, if it was not for the recent loss of my mother. It is not easy when you have been away from your country for four years, and I know how anxious she awaited for our return. She was proud of her children, and I am sure she would have loved to see this work completed. To her memory this work is dedicated.

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There is noise, tumult in the square. People on the run, scattering, screaming while searching to escape:

`Jump in the water! There come the *meganha*!'

*Meganha* is the policeman. Years before they called them bats, or dog-killers.

But if some run away screaming, there are others, always, who shout in protest against the acts of the police, shrieking:

`You can't!'

You can't! Those irrepressible, sincere words, a sign of their times, are never absent when there is a confrontation between, on one side the authority, the idea of legitimate power, and on the other, the people; when they confront each other, conflict erupts.

Is authority in the right or arbitrary? It does not matter. There is always shout; strong shout, ceaseless shout:

`You can't!'

It seems that from the subconscious of the protester come the refrained shouts of colonial times, when it was one of the worst crimes to raise the voice against the injustices of the King or his royal authority. You can't! A pent up fury burst from chests!

But (how many things exist in the subconscious after all) what happens if the man who represents the discretion of power to correct us, the authority who holds the delinquent by the neck, in a gesture of power or abuse, answers the shout `You can't!' with the question `You can't what?' The rabble stops; all among them silent, subservient, if someone does not come up with an answer, cowardly and solicitous, explaining:

`You can't release the man'

Luiz Edmundo, O Rio de Janeiro do Meu Tempo. (2nd Ed.) Rio de Janeiro, Xenon, [1987], pp. 23-24.

## INTRODUCTION

The main concern of this work is police-public relations. The subject must sound very familiar for anyone acquainted with the research about police in the social sciences, at least for the last thirty years. But when it comes to historians, the same familiarity cannot be taken for granted; on the contrary, the subject seldom appears. When the terms are used, the concern is not about interaction, as it frequently is in sociology, but about the perceptions of the police by the public.<sup>1</sup>

We can certainly blame it, at least in part, on the nature of the sources available to the historian. Sociologists are able to observe encounters, and how the parties involved are able to build their social interaction. Historians, however, have to rely largely on written accounts originated for other purposes than research notes, and most of the time created by

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<sup>1</sup> The police and the public is a title used by J. J. Tobias, 'Police and Public in the United Kingdom'. In George L. Mosse (ed.) Police Forces in History. London, Sage, 1975, pp.95-113 and by Barbara Weinberger, 'The Police and the Public in Mid-nineteenth-century Warwickshire'. In Victor Bailey Policing and Punishment in Nineteenth Century Britain. London, Croom Helm, 1981, pp.65-93, when they address the specific development of British police forces in the nineteenth century suggesting a greater public consent than their continental counterparts. Relying on such approaches, M. Greg Marquis, 'Working Men in Uniform: The Early Twentieth-century Toronto Police'. Histoire Sociale - Social History, v. 20, nov. 87, p. 259, includes police-public relations among the most studied fields in police history.

one of the participants. The possible exception rests in oral history but accounts depending on memory also present problems.<sup>2</sup>

Limited by their sources, historians have had difficulty employing the contribution of symbolic interactionism in police-public studies. But besides the problem of sources, in some cases the consequences of this line of thinking is also carefully avoided. The recognition that meaning in social relations is built on a daily basis would be one more argument pointing to the uselessness of history, at least for the uses traditionally claimed. The recent developments in history, especially its growing anthropological awareness and the contribution of French history in introducing subjects as the *quotidien*, the *imaginaire* and so on, justify abandoning the traditional role of history as the forger of the present, and searching for new meanings and approaches.

At the core of this recent historical debate is the role played by the state, and therefore, the definition of political history. Criticism of the traditional historical emphasis on the role of politics and government in the development of society sound extremely outdated after thirty years of history from below. But it is necessary to keep in mind that in addition to the changes in the parties in power, there has been an important development in the role of the state over the last two centuries and a proliferation of agencies composing the state structure which interfere with the daily life of society. Taking into account the development of the role of the state is essential to any historian dealing with the last two hundred years. The history of *quotidien* is not impervious to the action of state agencies,

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<sup>2</sup> Oral history is naturally restricted to a limited period of the past. But its usefulness for the police historian cannot escape readers of Mike Brogden's On the Mersey Beat. Policing Liverpool between the wars, Oxford, Oxford University Press, 1991. I wonder if it is by chance that the author is a sociologist. Recent work seems to be quickly solving this problem; see Jean-Marc Berlière, 'L'Histoire Orale: Les Récits de Vie des Policiers'. Cahiers de la Sécurité Interieure, 17, 1994, pp. 34-43.

and furthermore, we are going to suggest that these agencies experienced their own *quotidien*.

The police is an excellent example of such a modern agency. It grew from the absolutist state to play a key role in the contemporary state, while at the same time being excluded from most of the 'political history' and 'state analysis'. The social engineering conceptions prescribed by the scientific thought which dominated the nineteenth century was very successful in dividing the state in two parts: one, political, subject to party controversy, amounting to 'The State', and one administrative, independent of party politics, and conceived of as far as possible as 'natural' - meaning administered in the only possible, rational way - and invisible. From this emerged the perception that police-public relations were, or should be, a non-subject, an unchangeable part of the rational mechanism of administration.<sup>3</sup>

The effects of this 'naturalization' of the police are felt even more clearly in the histories that criticize the developing capitalist state. If in the official history of the state the police simply disappear, in the critical history they appear, 'naturally', doing what they were expected to do. The police were there to enforce, often violently, the unequal laws of the state against its enemies. There must be dozens of accounts of strikes, for example, where the police appear, beat the workers as they are expected to do, and then disappear into their shadowy existence once again, until the coming of the next strike.

Until the 1960s, we really knew next to nothing about police work, especially in the time between strikes. Many reasons might account for this discovery of the police as a

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<sup>3</sup> Commenting on the police department of San Francisco, Philip J. Ethington notes: "The department ... made itself invisible by its professionalism, no significant scandals [...]. A police department that went quietly about its work attracted virtually no attention.". Philip J. Ethington, 'Vigilantes and the Police: The creation of a professional police bureaucracy in San Francisco, 1847-1900'. Journal of Social History, v.21, winter 1987, p.197.

subject, but certainly the fact that they had to be called upon so many times during those troubled years must be significant. The police became all too visible and, perhaps as a consequence, a focus of study.<sup>4</sup> The existence of police-public relations established itself as a subject, but the secretive and the immediate character of most of police activity made this aspect extremely difficult for historical analysis.

The appearance of the police at the top of political agendas in the 1960s and the development of the studies about police work happened in a post Second World War society, where the importance of the media reached new heights. There was a new approach to the subject of police-public relations as a variety of police-community programs developed throughout the United States and spread to other countries.<sup>5</sup> It is important for our purposes to keep in mind that relations between police and public are matters of fact, that existed long before the police created special groups to deal with it.

In asserting the validity of such research, the central problem still remains; how can we use the available sources? And before this comes the question: what are we looking

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<sup>4</sup> Reiner notes that the work of Michael Banton's The Policeman in the Community, London, Tavistock, 1964, was motivated by the apparent success of the police. That does not imply that the focus on police from the 1960s precedes the perception of the conflicts, but places Banton in an older but scarcer tradition of studies of police. The best example is William Westley's Violence and the Police, which is anterior to the trend but only found its way to the publishers in 1970, after the subject gained a certain fashion. Robert Reiner, The Politics of the Police, Brighton, Harvester Wheatsheaf, 1985, p. 48.

<sup>5</sup> Egon Bittner tracks the origins of these programs to the 1950s, and even to the creation of the London Metropolitan Police. This certainly looks like forcing the argument too far; the stated purposes of the Met of cooperating with the citizens are quite different from the establishment of public relation departments inside police forces after the Second World War. Otherwise his arguments are very precise. Egon Bittner, 'The Impact of Police-Community Relations'. In Aspects of Police Work. Boston, Northeastern University Press, 1990, pp.291-310.



for? This introduction will address four points relating to these questions: the problem, the setting, the sources, and who created them.

### **a) The problem**

In an article about the police and the motor car, Clive Emsley introduces us to a child asking her mother what policemen did before the appearance of motor cars.<sup>6</sup> It would be very interesting if she had decided to ask a historian instead of her mother, and we could guess what kind of answer she might have received. We can suggest three possible lines of answer: the institutional, the quantitative and that of social control.

Some historians are only interested in presenting the laws that regulated police work and the debates in parliament about its creation and powers. They would feel the question itself was useless, believing they did the same when they were created as they do now - whatever that might be - only with the assumption that they do it better now.<sup>7</sup> The history of the police is conceived as the account of the progress of state institutions, in an hegelian march to the best society. This is the view commonly shared by authors who come from the police forces.

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<sup>6</sup> Clive Emsley, 'Mother, What Did Policemen Do When There Weren't Any Motors?' *The Law, the police and the regulation of Motor Traffic in England, 1900-1939*, The Historical Journal, 36,2 (1993), pp.357-381.

<sup>7</sup> Recent British historiography uses a three step description of the developments of police history. The progressive historians, the radical response and the synthesis effort. See Robert Reiner, op. cit., Victor Bailey, op. cit., J. A. Sharpe, 'The History of Crime in England c.1300-1914. An overview of recent publications'. British Journal of Criminology, 28 (1988), pp.124-137. Robert Reiner has pointed to the difficulties met by M. Brogden and P. Manning in improving those distinctions. Even so, I believe some other characteristics deserve to be noted in police histories. The points I have chosen to emphasise may well appear mixed in many works, but I think they define strategic options in approaching the subject, and the results of research.

The quantitative historian, at least for certain countries, would be able to produce a reasonable set of statistics, illustrating number of crimes, of arrests, and the profile of those arrested. He would be following the same pattern as the administrators of justice who called for the establishment of criminal statistics in the early nineteenth century. Policemen made arrests and collected fines, they carried out *n* investigations. The nature of police work is presented as a cumulative repetition of similar acts, that only become meaningful in the aggregate.<sup>8</sup> The statistical data illustrate what the police does - and it is significant that the original policemen of the question became the 'police', an institution instead of men -, and where their work might be improved by changes of policy.

In producing their work from the available statistics, these historians are trapped in the definition of police work that they share with the original statisticians, defining the police as agents of crime control. Most of the counting related to police work deals with crime, ignoring many other aspects of police routine. Even the statistics of crime present many problems, and historians concerned with crime are well aware of unreported crimes, and of the limits in the reliability of their sources.<sup>9</sup> There is a general agreement on the police role in helping to produce changes in those records. It is easy to see their ability to make numbers increase through the adoption of more repressive policies, while it is more

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<sup>8</sup> The point is clearly made by Lawrence M. Friedman and Robert V. Percival, Roots of Justice: Crime and Punishment in Alameda County, California, 1870-1910. Chapel Hill, University of North Carolina Press, 1981, p. 67: 'For many of them [who dealt with the police], a brush with the law was no great turning point in their lives; it left no permanent warp - no more than an arrest for speeding would do today. Yet when we lump all their experiences together, what happened to people's lives in these dingy precincts had great importance in society.'

<sup>9</sup> In the quantitative approach to the history of crime, the work of V. A. C. Gatrell is still a model of what can be done. V.A.C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England'. In V. A. C. Gatrell & Bruce Lenman & Geoffrey Parker (eds.), Crime and the Law: The social history of crime in Western Europe since 1500. London, Europa, 1980, pp. 238-338.

difficult to evaluate the part played by the police when the statistics fall.<sup>10</sup> Certainly the structure of police quantitative data can be altered as a matter of policy but it also responds to more immediate views of police officers and/or police administrators of what has to be dealt with as an offence or not. This would imply an important new element in the question of what policemen do, the frequently ignored question of how they do it.

Quantitative approaches to police and crime have to depend on the unity of the subject producing the numbers, leaving little space for internal differences. The size and bureaucratic structure of the police makes it difficult to discern personal approaches, especially at the level of rank and file. Evidence that a closer approach is not only possible but fruitful is provided by the fact that the same is not true, for example, in studies of judicial decisions. The concentration of authority to produce decisions in one or in a small group of judges makes it easier to produce a discretionary analysis of the process, pointing to personal characteristics as capable of defining results. Why Justice of the Peace *A* - perhaps being a Tory - acted this way and Justice *B* - a Whig - chose another course is much more easily perceived than when we deal with police officers *X* and *Y*, but the results - either social or statistical - might be the same.<sup>11</sup> This does not mean that the analysis of statistics are useless, and subsequently statistics will be employed in this thesis, but points to the existence of another layer, which may even have unexpected results in the aggregate.

Similar points can also be made about the social control approach. Instead of answering that the police did certain amounts of quantifiable data, the historians using the concept of social control would point out that the police occupied a certain place in the

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<sup>10</sup> Stefan Petrow provides a good description of police decisions to enforce or to ignore controversial laws, which had impact on statistics without altering actual crime. Stefan Petrow, Policing Morals. The Metropolitan Police and the Home Office 1870-1914. Oxford, Clarendon Press, 1994.

<sup>11</sup> The example is drawn from the work on the Justices of the Peace in modern England by Norma Landau, The Justices of the Peace 1679-1760. Berkeley, University of California Press, 1984.

social structure and acted as they were expected to do, enforcing dominant social values, either by persuasion or by force.<sup>12</sup>

The theory of social control - and its twin sister resistance - emerged as a reaction to the progressive idealism of traditional history, which believed that the reforms in social services from the nineteenth century were a significant step towards a better society, and those who opposed them were serving the cause of ignorance and the past. Social control had the merit of problematizing progress, rescuing those who opposed reform for the category of resistance. But it carried the danger of falling into a theory of conspiracy, changing reformers into agents of capitalist development acting with remarkable clairvoyance to enforce capitalist rule over resistant, but at the end doomed, working classes.<sup>13</sup>

Most police histories share a conception of the police as the holders of a progressively acquired technical expertise exercised, however, to accomplish different and

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<sup>12</sup> In this extremely thin resume of social control, I have certainly stressed its functionalist character, which was promptly noticed by marxian criticism. But the idea revealed itself to be so useful, even close to the disciplinarian society of Foucault, that it was adopted by historians of diverse lineages. The marxian critique can be found in Gareth Stedman Jones, 'Class Expression Versus Social Control? A Critique of Recent Trends in the Social History of *Leisure*'. In Stanley Cohen & Andrew Skull (eds.) Social Control and the State, New York, Basil Blackwell, 1983. Other important arguments on the subject can be found in A. P. Donajgrodzy (ed.), Social Control in Nineteenth-Century Britain, London, Croom Helm, 1977.

<sup>13</sup> At this point, I think, social control theory splits from Foucault, who is much less concerned with the consciousness of agents. Disciplinarian society is a natural result of widespread micro-powers.

even opposing purposes.<sup>14</sup> The owners of the expertise might be able to earn different degrees of agreement from their subjects, and therefore exercise their powers more or less harshly, but the core function remains untouched: the police is a corps of technicians applying undisputed knowledge to essentially successful objectives, either progress or oppression.

More recently, as contemporary police appears less successful, some points have been raised to nuance this picture. An initial problem is assessing how the police institution arrives at this unity of hearts and minds, entitling police work to be considered as a profession.<sup>15</sup> The progressive historians had always recognized that there were difficulties in the beginning with the police having an enormous turnover of officers for disciplinary reasons; eventually, however, the men conformed to what these historians considered the undisputable values the police had to enforce. But once critical historians had amassed a vast body of evidence about such problems, studies began into recruitment and training policies as a central part in building internal consensus; giving a particular emphasis to the

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<sup>14</sup> That police research is a field built over supposedly common sense assumptions, is clear also in sociology, where, as Reiner correctly points, allies and critics share the expectation of a crime fighting force. At this point, many historians are closer to Reiner's approach, stressing riot control - an order maintenance function - more frequently than crime.

<sup>15</sup> Profession is part of a select group of words that cannot be used without an explanation. The focus here when speaking of police as a profession is the sharing of a common and exclusive knowledge which holds the 'professionals' together. For further discussion see Clive Emsley & Barbara Weinberger (eds.), Policing Western Europe. Politics, Professionalism, and Public Order, 1850-1940. Westport, Greenwood, 1991.

social composition of the forces.<sup>16</sup> The study of social origins of personnel recruited to organizations with a closely knit culture, however, can be misleading. The capacity those organizations have of enforcing their own values, usually through training as in military schools but also and mainly through the sharing of practical experiences, is vital.<sup>17</sup>

The building of police culture is a subject that still has not attracted any great attention from historians. The formal training institutions are, in general, fairly recent, and probably data is scarce. The training of police officers in the nineteenth century and early twentieth was largely a matter of daily experience and how this was shared. These points should be addressed by attempts to enlarge our knowledge of the development of forms of police association, of reinforcing solidarity, which might be expressed in the many fields relating to police officers' cultural values. The importance of musical groups or sports practiced collectively by officers is an important instrument of solidarity; the development

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<sup>16</sup> Among others, M. Greg Marquis, art. cit., and Haia Shpaier-Makov, 'The Making of a Police Labour Force'. Journal of Social History, 24 (1), fall 1990, pp. 109-134, and idem., 'A Portrait of a Novice Constable in the London Metropolitan Police, c.1900'. Criminal Justice History, v. 12, 1991, pp.133-160. More directly related to the concern of how to make an organization from men, see Carolyn Steedman, Policing the Victorian Community. The Formation of English Provincial Police Forces, 1856-1880. London, Routledge & Kegan Paul, 1984.

<sup>17</sup> The attempts to study Brazilian armed forces through their social origins, stressing the links of the officers with the middle class and middle class interests and values is less than satisfactory, and have been very criticized. See for example Décio Saes, Classe Média e Política na Primeira República Brasileira. Petrópolis, Vozes, 1975.

of a press addressing a police public is another; both appeared in the late nineteenth century.<sup>18</sup>

The other form of accessing the formation of police culture is through the study of daily work. This has been attempted only in fragmentary ways, sometimes bordering the anecdotal. The sources for such study are few, difficult to compare, and usually provide only for reinforcing broader views with examples. Few attempts have been made to develop research based on accounts of day-to-day work.<sup>19</sup> A systematic approach to the sources of daily policing, as we expect to show, might be able to point how experience helps to mould values, confirming these values in further instances, or sometimes defying the established values, giving to 'police culture' a sharper, although less solid, image. It might help also to contrast police work with either quantitative analysis or institutional, centralized, views.

From the quantitative point of view, daily records provide a grey territory, the realm of the order maintenance activities, considered by many sociologists as the core of the police mandate. Beyond the classic division of crimes known to the police and unreported crimes, central in victimization studies, from daily records we are able to point to the power of the police in defining - in many cases - what sort of offence has been

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<sup>18</sup> Our knowledge of the subject is very scarce. Marquis, op. cit., comments on the Police Amateur Athletic Association in Toronto, founded in 1883. Carolyn Steedman, op. cit., shows the importance of the police press in Nineteenth-century England, and I have shown the appearance of a review for policemen, in 1903, in Rio de Janeiro in my MA Diss A Guerra das Ruas: Povo e Polícia na Cidade do Rio de Janeiro. IUPERJ, 1988, ch. II. A later development, with some different consequences, is police unionism.

<sup>19</sup> Exceptions are the oral history effort of Mike Brogden, op. cit, and the recent study of a police officer notebook in Alexander Von Hoffman, 'An Officer of the Neighbourhood: A Boston Patrolman on the beat in 1895', Journal of Social History, 26:2 (1992), pp.309-330. A more anecdotal approach is taken by B. J. Davey, Lawless and Immoral: Policing a Country Town 1838-1856. Leicester, Leicester University Press, 1983.

committed, or if an offence has been committed at all. It is remarkable how the police in Rio de Janeiro was capable of ignoring or 'reclassifying' stories which, from a formalist approach to law, would fall under the articles of the Penal Code.<sup>20</sup> This enables one to assess what policemen did without considering it worth accounting for; as well as trying to cope with the question of how they did it.

We will also be able to compare the daily records with official reports, furthering a discussion of the power of the state's higher administration over its agencies. While contemporaries, everywhere in the world, are trying to solve the problem of police accountability, history frequently provided the version of full control. The 'Rowan and Mayne approach' to the Metropolitan Police in London is particularly illustrative. Two enlightened administrators had an accurate perception of the problems of creating a police force in an hostile environment and set up directives to break resistance, these were successfully spread through the rank and file. Institutional behaviour thus becomes a matter of the right men in right places.<sup>21</sup> From daily records, we might be able to evaluate better how those priorities set by the administrative levels were enforced locally.

## **b) The setting**

Since its foundation in the sixteenth century, the city of Rio de Janeiro has experienced many sudden changes. When the beautifully placed village became the administrative centre of the Portuguese colony in 1763, it began to experience frequent changes in its political role. The arrival of the Portuguese crown in 1808, fleeing from the

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<sup>20</sup> The power of defining the situation - and choosing the course of action - is central in the much discussed police discretion. Societies, as Brazil, with strict procedural codes like to think that such power is non-existent. We will return to this point subsequently.

<sup>21</sup> This is a characteristic of the whig historiography of the police, but such approach can still be found in recent works as Stanley Palmer, Police and Protest in England and Ireland 1780-1850. Cambridge, Cambridge University Press, 1988, p. 296.



Napoleonic invasion, initiated a process of political change, with a proliferation of state agencies, including the police forces, which led to independence in 1822. The physical transfer of the Portuguese state apparatus to Rio started also intense demographic changes.

But the beauty of landscape and the strategical port bay - essential for exporting the gold of the Minas Gerais - were not enough to make the place adequate for a city, especially a growing one. Limited by the hills, the sea and the marshes, Rio had to grow within a very restricted space, and for a long time it experienced dangerous epidemic diseases, especially yellow fever. The settlement was to establish itself in a strip of land from the port to the marshes, running between the hills of Castelo, Santo Antonio, São Bento and Conceição. The administrative and religious centre developed in the square by the port, and the imperial court would later establish itself beyond the swampy lands, in the almost rural settings of São Cristovão.

To cope with demographic growth, the city had to find alternative ways of growing. Some of the hills could be occupied, marshes had to be drained, and technological innovations of the nineteenth century offered solutions to some of the problems of the spreading the city, providing better transportation and water supplies. The urge for space in the early twentieth century was to be dealt also by knocking down some of the hills. The city grew in two directions; to the south along the coast, through Glória to Botafogo, and on the way to the imperial Quinta of São Cristovão, gaining land from the marshes to create Cidade Nova [New City], occupying Engenho Velho and starting up the hilly area of Tijuca.

The growth was limited by the difficulties of transportation, which meant spending time and money, thus making the new areas unaffordable to the poor, who remained crammed in the centre. Houses left by well to do groups moving to the new areas were transformed in rooming houses [casas de cômodos], and special types of housing for

the poor - the *cortiços* - developed, providing shelter for the great number of immigrants and internal migrants attracted by the city.

Rio de Janeiro in the nineteenth century established itself as the administrative centre of the independent country. As its main port, it both exported coffee from the surrounding area, and was the main importing centre for the goods brought in by European capitalist development. By the twentieth century the port of Rio lost its place as the greatest exporting port of the country, but its importance as the entry door for imported goods would remain unchallenged for a much longer period.<sup>22</sup> This accumulation of capital allowed Rio to give the first steps in industrialisation, although the main impulse would come only after the first world war.

Rio grew mainly as a city of services: state agencies, banks, commerce and leisure found in it a centre of attraction, linking high finance, state and the commercial structure around the port. It attracted workers who sought to avoid the coffee plantations, and provincial elites in search of entertainment, luxury goods and even culture. Artur Azevedo in his play A Capital Federal portrayed the city of sins and immorality compared to the innocence of the provinces; but he was himself an example of a provincial looking for the place to be, if you wished to be a writer.<sup>23</sup>

This intellectual effervescence was happening in what was the great slave city of the nineteenth century. The presence of a large slave population in an urban setting, out of

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<sup>22</sup> In 1906, the port of Rio was responsible for 41% of the country imports, and about a seventh of the exports. Jaime Larry Benchimol, Pereira Passos: Um Haussmann Tropical. Rio de Janeiro, Secretaria Municipal de Cultura, 1992, p. 220.

<sup>23</sup> Most of the writers of the late nineteenth century or early twentieth could be used as examples. Only in the 1920s, with the emergence of modernism in São Paulo, was Rio challenged as the national cultural centre. For a semifictional account of a provincial writer arriving in Rio - and probably by the most successful of them all in his own times - see Coelho Neto, A Conquista. Porto, Chardron, 1913.

traditional agricultural or mining work, made Rio a particular place, where the balance of a strict control of the slaves - both by public and private authority - and the multiple arrangements made possible by urban life, was always delicate.<sup>24</sup>

Population of Rio de Janeiro<sup>25</sup>

	Population	Foreign
1872	274.972	73.310
1890	522.651	150.058
1906	811.433	210.515
1920	1,157.141	239.129

The abolition of slavery in 1888 and the steady influx of European immigrants forced a complete restructuring of social behaviour, introducing new, and not readily classifiable individuals in the public space, which - as we will see in Chapter I - posed a specific challenge to the forces of order. The demographic growth of the city from the end of the nineteenth century can be followed through the censuses. It almost doubled between 1872 and 1890, and again between 1890 and 1920 (see chart). Most of the increase between 1890 and 1906 was due to European immigrants, especially adult males in search of work, originated from the poorer areas of Spain, Italy and especially Portugal. The restricted central urban space was already overcrowded, and the surrounding parishes began to absorb the newcomers. The 1890s saw the first attacks of health authorities against the housing conditions of urban *cortiços*.<sup>26</sup> These forced the poor out of central Rio

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<sup>24</sup> Mary Karasch, Slave Life in Rio de Janeiro: 1808-1850. Princeton, Princeton University Press, 1987; and Sidney Chalhoub, Visões da Liberdade: Uma História das Últimas Décadas da Escravidão na Corte. São Paulo, Companhia das Letras, 1990.

<sup>25</sup> Data taken from Samuel Adamo, The Broken Promise. Race, Health and Justice in Rio de Janeiro, 1890-1940. PhD. diss., University of New Mexico, 1983.

<sup>26</sup> Lilian Fessler Vaz, 'Notas sobre o Cabeça de Porco'. Revista Rio de Janeiro, 2, apr 1986, pp. 29-35.

to the suburbs or to precarious houses built on hills, establishing the first *favelas* - the characteristic slums of Rio. In spite of general demographic growth, some central parishes begun to show negative growth. But the main blow to the central parishes came in 1904, when the city mayor Pereira Passos started a program of refacing the city, demolishing a significant part of the old centre, dislodging an estimated 13,000 persons.<sup>27</sup>

It is the reformed city, after 1904, which is the focus of interest here. The reformers' intent was to provide the country with a capital city comparable to the main urban centres of its period. The port was reformed and the old narrow streets were cut by a large Boulevard - the Avenida Central - in which every building had to follow the mayor's plans to look like part of a Parisian landscape, and obey the purpose of being slightly larger than the main avenue of rival Buenos Aires. The main businesses shared the space with the Municipal Theatre, the National Library and the Museum of Fine Arts; all built in the late 1900s. Many other thoroughfares were opened or enlarged, and the first of the central hills - the Senado hill - was shattered to facilitate circulation.

The renewed architectural space required further improvements in transportation, electrification of the urban space, and especially health reforms to end the threat of the epidemic diseases which had devastated the population. Vaccination and sanitary reforms were enforced to reduce the dangers for immigrants, and to stop the traditional summer escape to the hills of Petrópolis by the city elite. In the summer of 1909, the older and more traditional newspaper of Rio, the *Jornal do Comércio*, published weekly reports on the number of rats killed in the city. This had already reached more than two million, and two

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<sup>27</sup> The urban reforms of Pereira Passos have been one of the favourite subjects of historians. See Jaime Larry Benchimol, op. cit.; Osvaldo Porto Rocha, A Era das Demolições. Rio de Janeiro, Secretaria Municipal de Cultura, 1986; and Jeffrey D. Needell, A Tropical Belle Epoque. Elite Culture and Society in turn-of-the-century Rio de Janeiro. Cambridge, Cambridge University Press, 1987, among others.

boys involved in an assault case were registered by the police under the job title of rat-buyers.<sup>28</sup>

Far more complicated than chasing rats, however, was how to deal with a population capable - and in need - of assuming such jobs. The new, Europeanized city would require something better than its old inhabitants. Having them expelled from their lodgings was not enough; it was necessary to free the centre of the sight of their misery. But they could not be eliminated outright, because they provided the cheap work-force necessary for the elite. In those first years of urban reform, the role of the police was greatly expanded, in order to control this mass of working poor.

As will be shown below, trends in policing varied markedly from the first years after the urban reform to the 1920s. To some extent we may say that they followed the changes of the city. Urban reform was imposed on a city of male adults, most of them newcomers, where in the 1890s the death rate exceeded the birth rate, and with a large number of foreigners who were all concentrated in a small central area.<sup>29</sup> They had come to Rio in search of fortune or at least an opportunity to work and enjoy a decent life. Many would die from infectious diseases; a few would be successful, but the vast majority would only manage to survive and, with time, to establish roots. By the time of the 1920 census there was a different image; the number of nationals, of women and children had grown, and the central parishes were losing inhabitants to the suburbs, most of the former showing

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<sup>28</sup> The city authorities paid for the hunted rats. Stories about the city tell how it created also the occupation of rat-farmer.

<sup>29</sup> The influx of European immigrants continued up to the first world war. According to the Jornal do Comércio, between 1907 and 1916, the number of immigrants entering the port of Rio reached 452,000. Annual numbers dropped from 78,208 in 1913 to 33,913 in 1914; 16,180 in 1915; and 10,997 in 1916. Jornal do Comércio, 13/1/1917.

negative growth from 1906.<sup>30</sup> The industrial sector had grown and with it the power of organized labour. This reached a peak in the strikes of 1917-1919 under the anarcho-syndicalist leadership. City life in the 1920s was much more settled, and the requirements of policing were to be greatly changed.

### c) The sources

The main sources to be used in this work are the occurrence books from seven different police districts of Rio de Janeiro, sampled between 1907 and 1930.<sup>31</sup> These books were written by police *comissários*, middle rank officials who had charge of a police station for twenty four hour periods. The books were used to report everything coming to the *comissários'* knowledge, which he forwarded to the *delegado*, the head authority of the police district.<sup>32</sup>

Such books were in use before 1907, but apparently something changed after decree 6440 reformed the police on 30 March 1907. Either their importance was enhanced

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<sup>30</sup> One of the central parishes, Candelária, had been loosing inhabitants since the Census of 1872. As a general trend, between 1906 and 1920, the central parishes had a growth of 4%, while the suburbs grew 96%. See Teresa Meade 'Civilizing Rio de Janeiro': The Public Health Campaign and the Riot of 1904'. Journal of Social History, vol.20, n.2, winter 1986, p.304. Also June E. Hahner, Poverty and Politics: The Urban Poor in Brazil, 1870-1920. Albuquerque, University of New Mexico Press, 1986.

<sup>31</sup> The use of occurrence books in historical analysis is discussed in John Weaver, 'A Social History of Theft in Depression and Wartime: The Police Occurrence Books for Hamilton, Ontario, 1934-1942'. Criminal Justice History, v.12, 1991, pp.161-187.

<sup>32</sup> Comparison is unavoidable with the Parisian *Commissaire*, who probably provided the model. But the Parisian official looks closer to the role of the *delegado*, with the *comissário* a sort of assistant who did not exist in Paris. On the role of the *Commissaires* and the Parisian police stations see Jean-Marc Berlière, Le Préfet Lépine. Vers la Naissance de la Police Moderne. Paris, Denoel, 1992, pp. 28-33, and for an earlier period Clive Emsley, 'Policing the Streets of Early Nineteenth-century Paris', French History, 2 (1), 1987, pp.257-282 .

or a more bureaucratic approach provided for a much more regular survival.<sup>33</sup> Two of the districts sampled - Santana and Tijuca - have complete sets of books for the whole period. Most of the books follow a regular pattern, two hundred pages containing the daily reports of the *comissários*, initialled by the *delegado*, even when nothing had happened.

The police reform of March 1907 specifically mentioned the occurrence books when listing the functions of the *comissário*. In the book he was to record 'the most important facts' that happened while he was on duty. The stations also had to have a book to record all the arrests made, but unfortunately none of these appear extant. Other books, for specific occurrences, were introduced in some districts, notably for recording cases of property crimes.<sup>34</sup> In one of the districts - Méier - two books survived which are not the official daily records, comprising the period from April 1910 to September 1914. These books do not have the usual term of opening and of closure signed by the *delegado*, and were not recorded on a daily basis. Their records are basically complaints by the public, and do not have the usual details of internment of sick people, arrests for vagrancy or drunkenness or traffic occurrences. Unlike the official books, the *delegado* did not write his

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<sup>33</sup> The older surviving books, from late nineteenth century seem to come from the district of São Cristovão, which was not part of my sample. Among the seven districts sampled, Santana has one surviving book, covering June to August 1898, and Engenho Velho has a book covering May to December 1903 and regular books between the end of November 1904 and November 1906. But the most significant point is that four of them began their surviving books in the same date, 4 April 1907, soon after the reform of the police was established by a decree of 30 March.

<sup>34</sup> As will be shown later, some books had no records of property crimes at all. In one arrest case, there is mention that the original complaint was recorded in the 'Livro de Queixas de Furtos e Roubos' [Book of Property Crimes Complaints].

instructions in the margins. They were probably directed to the agents, relating the problems they had to investigate.<sup>35</sup>

One possible clue to the existence of the second book can be found in the press. In 1909, the *Jornal do Comércio* published an article, criticizing the police and its efforts to avoid press scrutiny:

We cannot deny that the police is one of the public services which experiences a close scrutiny by the press.

Then, it is natural that, for their own sake, the police has gradually developed ways of protecting itself from the inquiring actions of the reporters.

[...]

There are certain police stations where property crimes are not recorded in the occurrence books; others that have small books, only for this service; and also others which record these facts but hide their books so zealously that only by chance or employing elaborate tricks are we able to look over those careless and poorly written records.

Guided by the press reports, we should believe that our Capital is thiefproof.<sup>36</sup>

The occurrence books are, therefore, a source as incomplete as any other. Why should the analysis of their records be more valuable than official statistics? Two answers may justify the choice. First, the occurrence books present a picture of police work which was mostly ignored by the official sources. From the outset there has been conflict in police forces between the functions of crime fighting and public service; the police forces

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<sup>35</sup> The Occurrence books survived only in microfilm at the Secretaria de Polícia Civil do Rio de Janeiro (SPCRJ). They are indexed by the contemporary sequence of districts, and with rare exceptions are in chronological order. They have a microfilm number, which normally comprises five books, and a front page number. Since it is simple to locate the books, I have decided to cite them as *Ocorrências* [Occurrences], the original number of the District followed by DP, standing for *Distrito Policial* [Police District] and the date when the recording *comissário* ended duty, comprising from noon of the day before until noon of the quoted day. The books which do not belong to the official series are on the microfilm 1 of the 19th District [for the SPCRJ classification, 23rd District] and have the numbers 8071 and 8073.

<sup>36</sup> Jornal do Comércio, 09/02/1909.



have usually tried to present themselves as crime fighters, and have blamed the service work for hampering their more important, 'real' task. The official statistics reflect this view, and were mainly concerned with the criminal part of police work, underplaying or even ignoring the service role.

The second answer is that even the criminal work of the police was a product of strategic definitions, which can be verified - to a certain extent - in daily records. The working resources of police forces were - and are - necessarily limited, and they were forced to select which occurrences to label crimes.<sup>37</sup> In property crimes, the amount of the loss and the availability of suspects contributed to the police decision to pursue inquiries; they would hardly have spent their limited resources chasing an unknown pickpocket or an unknown villain who had stolen clothes put out to dry in some backyard. In violent crimes, although less clearly, the selective principle also operated. Police efforts were limited in cases involving family or neighbours causing little or no visible damage, as well as in cases of fights when a balance of justice might indicate that the parties had already vindicated themselves. Many of those cases would not go further than the occurrence book.

In order to analyse the books, we made a sample of seven of the thirty districts in which Rio de Janeiro was divided in the period.<sup>38</sup> From the official statistics, we tried to choose districts with varying incidences of crime, while deliberately avoiding the suburban districts, which had very marked distinctions in the distribution of population and area, and probably in patterns of crime. The districts covered in the sample are São José (5th

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<sup>37</sup> The implicit assumption is that crimes are the result of the work of the criminal justice system. If the police is able to stop the course of legal action it therefore stops the presentation or recording of the events as crimes. The possibility of using the criminal justice system without recurring at first to the police exists in the laws but, if this actually occurred, it was of residual importance.

<sup>38</sup> Decree 6440 established twenty eight but two others were created later, the 29th in December 1907 and the 30th in January 1916. The changes occurred in suburban areas and did not affect the boundaries of the analysed districts.

District) Santo Antonio (12th District) Santa Tereza (13th District) Santa Anna (14th District) Engenho Velho (15th District) Tijuca (17th District) and Méier (19th District). We present a brief description of each area and its main features (see map).

São José was one of the central parishes of Rio, and developed around the Castelo hill, the first settlement of the city. As part of the colonial city, it was a very concentrated parish, with a perimeter of about 4.5 Km, and the police district was even smaller, part of the parish belonging to the police district of Santa Tereza. São José had a concentration of rooming houses in the upward streets of the Castelo hill, especially in the rua da Misericórdia, with its impoverished colonial houses split in small rooms to receive a mobile poor population looking for accommodation close to the port and market.<sup>39</sup> Its population grew steadily until the Census of 1906, even when other central parishes were already showing the effects of urban changes. But after the urban reforms the trend changed, and it lost 33% of its inhabitants between 1906 and 1920.<sup>40</sup>

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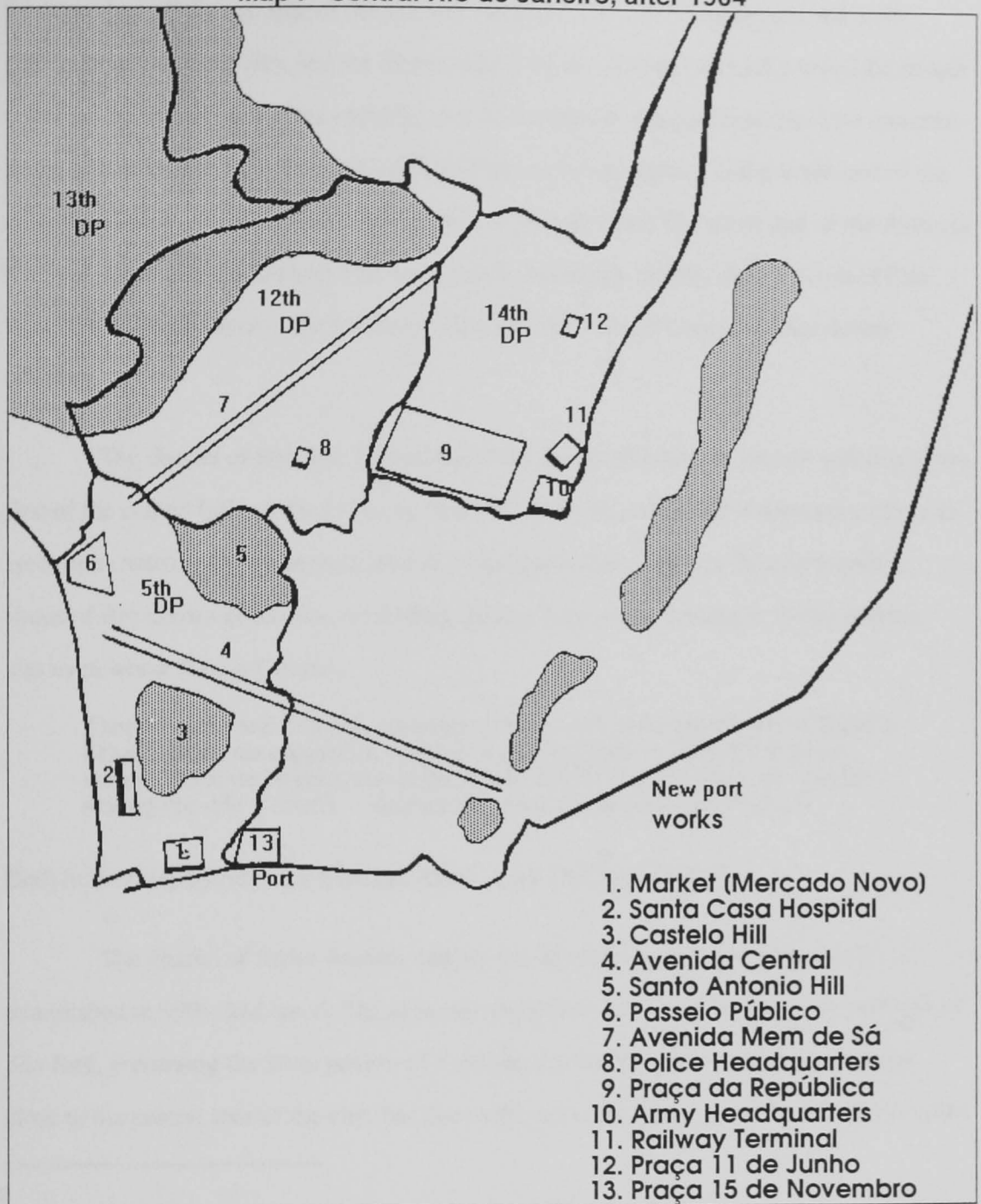
<sup>39</sup> From the sample records, it is striking to note the number of Italians who established themselves in the rooming houses of the Ladeira da Misericórdia, the main access to the Castelo hill. Luiz Edmundo describes the area in the early century:

Narrow [streets], with little more than a metre and a half of width, they are dreadful ways with an awful smell. Smell of mildew and chicken roosts, fried sardines and human sweat. The neighbourhood is old and miserable, the remains of buildings that belonged to the best nobility of the late sixteenth century

Luiz Edmundo. O Rio de Janeiro do meu Tempo. Rio de Janeiro, Xenon, [1987], p. 53. First edition of 1938. His description of the inhabitants stresses the presence of all sorts of witches, opium dens and tattoers in the impoverished houses.

<sup>40</sup> Teresa Meade, op. cit., p.304.

Map I - Central Rio de Janeiro, after 1904



Apart from the Castelo hill, the market was the main feature of the district. It had been moved to new installations, the Mercado Novo [New Market], between the hill and the sea, but still within the parish, and attracted the population of the whole city looking for

fresh products.<sup>41</sup> To one side of the hill was the Santa Casa da Misericórdia, the main charity hospital of the city, and the destination of all the sick and seriously wounded people collected by the police. On the opposite side of the market, the parish of São José included a part of the modern city. Part of Castelo hill was cut to give place to the south end of the Avenida Central, the main street built in the reforms of 1904. The south end of the Avenida received some of the more important new public buildings, notably the Museum of Fine Arts, the National Library, the Municipal Theatre, the Federal Courts and the Senate building.

The district of São José also included the Santo Antonio hill, which was one of the first of the central hills of the city to be occupied from the end of the nineteenth century by precarious housing by the poorest sectors of the population, creating the characteristic slums of Rio known as *favelas*. According to Luiz Edmundo, housing in Santo Antonio was even worse than in Castelo:

There live the real beggars, when they do not end up in the hostels of Rua da Misericórdia, the capoeiras, malandros and vagrants of all sorts: women without relatives to help, elders incapable of working, children, all rejected among the able workers ... despised by fortune, forgotten by God...<sup>42</sup>

Both hills of the district were knocked down in the 1920s and 30s.<sup>43</sup>

The district of Santo Antonio mainly occupied the area where Senado hill, demolished in 1904, had stood. The area and population profile were very close to those of São José, presenting the same pattern of rooming houses for the poor who tried to stay close to the central area of the city, but due to the opening of new spaces formerly occupied

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<sup>41</sup> On the importance of the São José market, see Sandra Lauderdale Graham, House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro. Cambridge, Cambridge University Press, 1988.

<sup>42</sup> Luiz Edmundo, op. cit., p.80.

<sup>43</sup> There are many references to the removal of the Castelo hill in the Occurrence Books of the 5th District in 1921. Only a small part of Santo Antonio still survives.

by the hill, it kept growing until 1920, when it had more than 52,000 inhabitants. In the area between rua do Riachuelo and rua Frei Caneca, crossed by the new Avenida Mem de Sá, was the central police station, that came to be known by the street it occupied as rua da Relação.

The area of the police district of Santa Tereza was larger than the parish of Santa Tereza, only created in 1903. It comprised some steep hills dividing the city center from the wealthier parishes to the south. The area of Santa Tereza was much bigger than São José and Santo Antonio put together, but the hills were not easily occupied and it had one of the smallest parish populations of Rio. Recognizing the absence of crime in the parish, compared with its overburdened neighbour São José, the police division of the city did not follow the parish limits. It gave to Santa Tereza the area of the parish of São José spreading south of the Passeio Público, with the red light district surrounding the rua da Lapa. The Lapa area, exactly in the confluence of the three districts, was to be the territory of the city rogue of the 1920s, the 'malandro'. Surrounded by prostitutes and heavy drinking, the 'malandros' involved themselves in constant fights, carrying their typical weapon, the razor, when not armed with guns. Public order in the red light district became the permanent care, and constant headache, of the Santa Tereza district.

The other main prostitution area was located in the 9th District - Espírito Santo -, in streets close to the 14th district of Santanna.<sup>44</sup> But for the Santanna police, prostitution was only one of many problems. The district occupied the area beyond the Campo de Santana - which carries the name of Praça da República but is still known by the former

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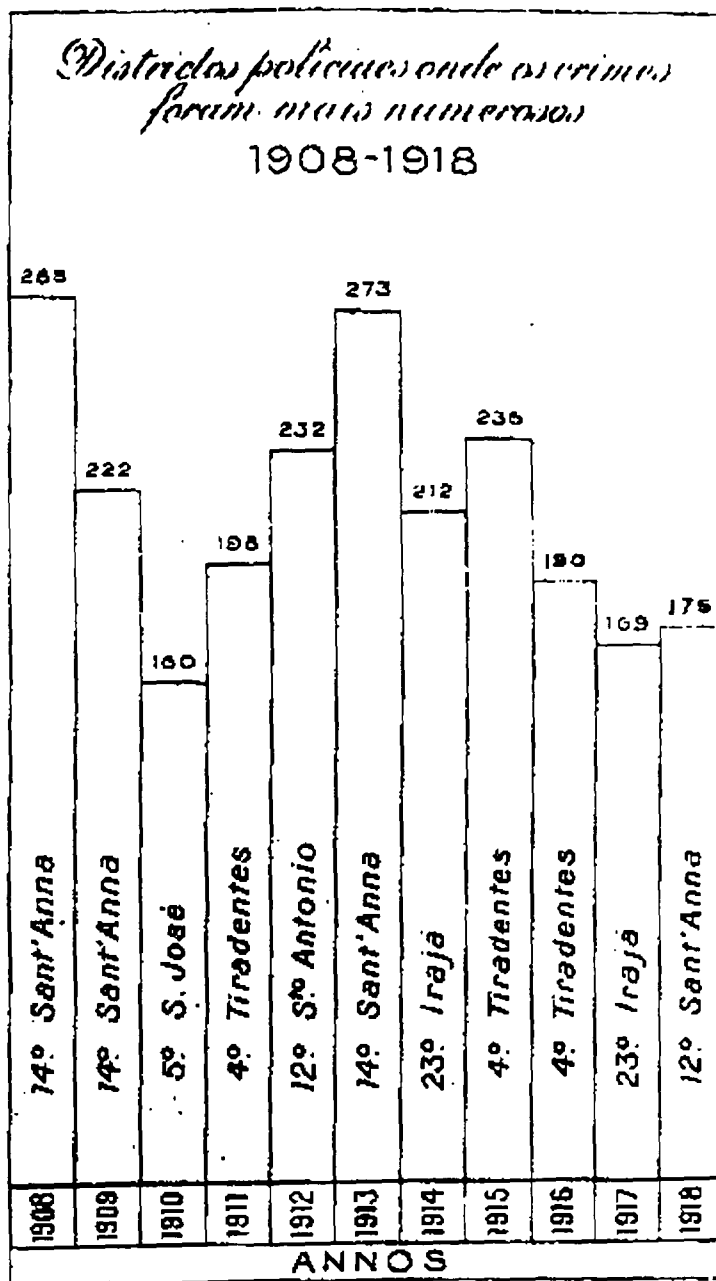
<sup>44</sup> Prostitution is one of the subjects which has been attracting attention from scholars, but it still requires further studies. Evidence suggests that the area of Espírito Santo concentrated the poorest and mainly Brazilian prostitution while Lapa had prostitutes originating from eastern Europe, supposedly of higher status. See Lená Medeiros de Menezes, Os Estrangeiros e o Comércio do Prazer nas Ruas do Rio (1890-1930). Rio de Janeiro, Arquivo Nacional, 1992.

name - which was conquered from the marshes in the nineteenth century to form the Cidade Nova [New City]. The parish had been established in 1814. Probably the greatest concern for the police in normal times was the main station of Estrada de Ferro Central do Brasil, the railway line which served the suburbs and the country. It was the entry point for many of those arriving in the city to swell the number of unemployed, subemployed or vagrants, and also for those arriving with money to spend, in search of the city lights, and sought after by city thieves.

As in São José and Santo Antonio, the area was crammed with hostels and all types of lodgings for the poor. But in contrast to the more central districts, under the attack of the urban reformers, Santa Anna and the nearby districts of Espírito Santo and Engenho Velho were growing. Being the main railway terminus, it became one of the main crossroads of the city, where people had to change from the suburban trains to the city trams. Praça 11 de Junho became one of the focal points for popular gatherings in the city, and the undisputed centre of popular carnival.

In front of the railway station was the army headquarters, providing a concentration of military that always spelled trouble for the police. The combination of three organized forces, the police, the military and the railway workers, in the same area resulted in many conflicts of greater proportion than the usual city brawl. The police had also to care for the properties of the 'Light and Power', the company responsible for the electricity and gas supplies for the city, and the São Diogo meat market. It is not surprising, therefore, that Santa Anna had the largest number of crimes in official statistics in four of the eleven years between 1908 and 1918 (Tiradentes replaced it three times, Irajá twice and São José and Santo Antonio once each; see figure).

# Districts with more recorded crimes



Source: Estatística Policial e Criminal de 1913. Rio de Janeiro, Imprensa Nacional, 1918.

Together, these districts were part of central Rio, which was losing its place in the life of the whole city. After having more than half of the city's population in 1890, it contained only 37% in 1906, and 27% in 1920. Its loss was to benefit the suburbs, which

received that part of the population that lost its housing in the central areas, raising their share of the city population from 15% in 1890 to 30% in 1920.<sup>45</sup>

The three remaining districts present different patterns. They were starting to distance themselves from the central area. Even so Engenho Velho had been the fastest growing urban parish from the second half of the nineteenth century.<sup>46</sup> It had a population roughly equal to Santa Anna but in an area with the double perimeter. It followed the railway line, having the stations closest to the central one in Santa Anna. The district of Tijuca had the biggest area of the urban districts, and the second smallest population.<sup>47</sup> In fact, it was only partly an urban district, with a population generally in better economic condition than that in the central districts. It extended to an enormous area of hills spreading to the sea coast, with a scarce and, in many respects, rural population. Finally, the district of Méier was even more distant from the centre along the railway tracks, being situated, in 1907, at the end of the tram lines.<sup>48</sup> It was far away enough to require a certain

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<sup>45</sup> Teresa Meade, op. cit., p.315.

<sup>46</sup> Silvia Damazio describes the Engenho Velho of the late Nineteenth century: "Despite the great number of inhabitants, Engenho Velho was a nice suburb, where families occupied large residences. It was, in fact, the favourite area of bankers and entrepreneurs, after the parish of Espírito Santo". Sílvia Damásio, Retrato Social das Camadas Populares do Rio de Janeiro, 1889-1910. Fundação Casa de Rui Barbosa, mimeo, 1989, p.13. Jaime Larry Benchimol, however, points to the loss of status suffered by this area from the end of the nineteenth century, with the richer groups moving to the south of the city, starting a process of making Engenho Velho into a 'proletarian and factory filled deteriorated neighbourhood'. Op. cit., pp. 102-104.

<sup>47</sup> Up to 1907, the districts were divided in urban and suburban. I have kept the division to help visualize the city, being the suburban districts those from 21 to 28. The smallest population was of the central parish of Candelária, approximately half of the population of Tijuca, but concentrated in an area almost fifteen times smaller.

<sup>48</sup> Maria Lais Pereira da Silva, Os Transportes Coletivos na Cidade do Rio de Janeiro. Rio de Janeiro, Secretaria Municipal de Cultura, 1992, p. 44.



independence from the central markets, and presents for the period the more marked characteristics of a suburban community on its own. Tijuca and Méier were growing in importance, and had become parishes, together with Santa Tereza, as recently as 1903.

It is difficult to give a definite answer as to whether the seven districts together represent the problems faced by the police in Rio de Janeiro. The sample deliberately excludes the area considered 'suburban' in the official police classification, and therefore represents more precisely the area with a more concentrated population. With reference to this area, the sample covers a third of the police districts, with varied rates of policing problems. Some problems certainly remained: the problems and districts surrounding the railway lines are overrepresented while the port and its workers appear less often. The main area of popular gathering - the Praça 11 de Junho - is present but the concentration point of political meetings - the Largo de São Francisco - is not in our study, thus the problems of the policing of mass gatherings is scarcely touched on. A sample of areas in a lively city is bound to lose some aspects; but generally we are sure that it covers the main issues faced by the police in its urban environment.<sup>49</sup>

It was in these districts that the police *comissários* worked, writing up the occurrence books. Before presenting the data, we still need to discuss who these men were and how much influence their individual experiences had on the material. Without proper personal files available, we can only offer some suggestions provided by the district files and the legal structure in which the men acted.

#### **d) The Comissários**

Before dealing with the whole structure of the police, we should present the main characteristics of the policemen who wrote the books: the *comissários*. This post was one

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<sup>49</sup> Another way of justifying the sample is through a quantitative approach. This data will be presented later, but it certainly confirms what we are stating here.

of the innovations of the reform of 1907, replacing the old inspectors.<sup>50</sup> Although the tasks were not much different, the creation of the *comissários* was the first attempt to create a permanent body of police personnel recruited through formal selection procedures rather than political connections. They were the middle range of police personnel, acting under the authority of the *delegados*, and controlling - to a certain degree - the work of the agents and patrolling forces. The reforms of the police in 1907, authorised the appointment of 30 first class *comissários* and 100 second class. The first class *comissários* would work in the main districts - from the 1st to the 10th - and the second class in the others. They had to sit public exams, judged by a commission composed of two lawyers and one of the *Delegados Auxiliares*, before being appointed by the Chief of Police. The candidates had to be Brazilian citizens aged between 21 and 60, and were examined in writing, grammar, law, and police matters.

Article 48 of the 1907 decree listed the functions of the *comissário*. Although there are twenty items, they are all very general. The first one states as the *comissário's* duty: "the care, constantly and daily, of everything that might be of interest for the prevention of crimes and misdemeanours". His main role was to be the permanent representative of state authority in the police station, and to keep the *delegado* informed of the events through the "occurrence book" in which he was to note the main incidents which occurred. The only precise specification - which as we will see later was not fully followed - was to record the people arrested, giving name, place of birth, name of parents, marital status, age, profession and address, the hour of the arrest, the reason and who ordered it, under whose jurisdiction the offender was held in custody, and the list of valuables collected before putting him in jail. The law required that the *comissário* live in the district where he worked, something which would hardly have been possible given the frequent

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<sup>50</sup> Mariano de Medeiros, 'Comissários de Polícia'. Boletim Policial, 1 (1), may 1907, pp. 11-16.

changes they experienced in their careers; indeed, in the cases where we have the address of a *comissário* he did not live in his district.<sup>51</sup>

*Comissários*, and to a lesser extent the *delegados*, were subject to the control of the higher police authorities, and could be removed without notice or punished summarily. The Chief of Police and his *Delegados Auxiliares* made visits to the stations and recorded in the books the presence or absence of the personnel. In the 13<sup>th</sup> DP, the 1<sup>st</sup> *Delegado Auxiliar* did not find the *comissário* in charge of the station, having waited from 7 pm to 1 am. The *comissário* on his return noted that he had gone to dinner and - since the *comissário* in charge of street surveillance was replacing him - he decided to carry out a raid [*canoa*] in the hills of Santa Tereza. He complained about the unfriendliness of his substitute who could have explained the situation. Apparently his explanations were insufficient since all the *comissários* were replaced in a fortnight, and the *delegado* after a month.<sup>52</sup> The *delegado* of the 19<sup>th</sup> DP was absent when visited, around midnight, by the Chief of Police "despite my orders of rigorous alert". The *delegado* tried to explain that he was out working but ten days later he was moved to another district.<sup>53</sup>

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<sup>51</sup> The only way we were able to find this information was when a *comissário* changed role, becoming a victim himself, or was otherwise involved in a case. *Comissário* Guilherme Alvares de Azevedo died in a car accident, while on duty, in July, 1924. He was identified as 54 years old, white, Brazilian, married, residing at Rua Dr. Otávio Carneiro 389, in the city of Niterói, which is on the other side of the bay to Rio, under the jurisdiction of the police of the state of Rio de Janeiro. He had been a *comissário* for at least fifteen years. *Comissário* Baltazar da Silveira interfered in a fight between women in his residence, r. Riachuelo 10, and carried them to the proper station, which was not his station of work. Ocorrências 12th DP, 24/03/1921. *Comissário* Emigdio Reis, of the 4th DP, was a witness in a car accident, and gave his address in the area of the 15th DP. Ocorrências, 15th DP, 06/07/1913.

<sup>52</sup> Ocorrências, 13th DP 16/06/25ff.

<sup>53</sup> Ocorrências 19th DP, 30/05/25.

A second class *comissário*, in 1907, would receive a monthly salary of 300\$000 (three hundred mil réis) and a first class of 333\$000. A *delegado* could earn between 500\$000 and 700\$000 and the Chief of Police earned 2:000\$000. Comparing with salaries paid by the city administration, *comissários* were ranked with school teachers, while a *delegado* would be equivalent to a doctor.<sup>54</sup>

Creating the *comissários* was part of an attempt to produce professional policemen, and structure a career. We will assess the success of the attempt by looking into how long they stayed in the police, and whether it is possible to consider their work as uniform, reflecting a consolidated pattern of behaviour. In order to see how long they served in the police, and if police work began to reveal the traits of a career, we made a sample of the names registered in the seven districts every February - or the closest month available - between 1908 and 1929, and compared the names with the lists provided by the *Almanak Laemmert*. There were 225 different names listed in our records, with thirty two of them appearing in six or more years.<sup>55</sup> It was possible to see that, at *comissário* level, people were able to spend a whole life in the police. Three *comissários* worked during the twenty two year span of this study, and many others appear regularly.<sup>56</sup> Moreover, we can see that it was possible to move between different posts in the police, with people appearing in the *Almanak Laemmert* as *escreventes* [assistant clerk] and later becoming

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<sup>54</sup> Sílvia Damásio, op. cit.

<sup>55</sup> Evidence on the names which appear only a few times in the list is much less conclusive, since it could be fairly easy to make a long career in the other 22 districts and in at least two cases the *comissários* remarked they were acting 'ad hoc'.

<sup>56</sup> These three *comissários* were among the twenty nine names working in the districts in 1929, and appear also either on the sample of 1909 or in the *Almanak Laemmert* of this year. There was a balance of new and old *comissários* working in 1929; eight of the names appear for the first time while ten others had at least ten years of experience. Comparing only the list of *comissários* in the *Almanak Laemmert* of 1909 and 1925, we find ten *comissários* that remained throughout the period.

*comissários*. Apparently a few *comissários* have also been able to ascend to *delegados*, establishing a line of career in the police.

*Comissários* were frequently moved from one district to another. The most frequent name in our sample, *comissário* Jaime Guimarães, was clearly an exception to this general rule, appearing in 17 years between 1908 and 1928, always in the 5th District.<sup>57</sup> But three other *comissários* appear in the sample over a time span of more than twenty years, all having worked in four different districts. The links between a *comissário* and a specific district are not particularly apparent, and there are marked variations. A *comissário* could move through districts very quickly; *comissário* Rubens Carvalho de Souza moved from the 1st District to the 12th on 17 February 1909, and again from the 12th to the 16th on 2 March.<sup>58</sup> It is difficult to establish a pattern for their movements, and there is no evidence that they constituted teams which worked together, or followed the steps of a *delegado*. In 1913, *delegado* Dario de Almeida Magalhães left the 14th DP to the 12th DP in February, and recorded his farewell to his team. Of the five *comissários* he listed, only one would remain in the district until December, when it was the turn of *delegado* Edgar Guilherme Pahl to record his goodbye. One of the *comissários* - Manoel Teixeira Peixoto - followed *delegado* Dario to the 12th DP, but did not accompany him when he left three months later to the 15th DP.<sup>59</sup>

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<sup>57</sup> He does not appear in the years 1910-12 and in 1924.

<sup>58</sup> Jornal do Comércio, 17/2 and 2/3/1909.

<sup>59</sup> Two other farewell notes are available for the 14th DP, one in October 1910 and the other in April 1915. The *comissários* listed are completely different, with only one appearing in October 1910 and December 1913, after being absent in February 1913.

*Comissários* appearing in more than one District

number of districts	frequency
1	3
2	8
3	13
4	7
5	1

It seems that the districts frequently had one *comissário* who remained for a longer period, possibly acting as the memory of the area. The 5th District - being the only district considered of first rank in the sample, where the first class *comissários* were supposed to act - presents most stability. Besides the *comissário* Guimarães, there are two other *comissários* who appear only in the 5th District, Sálvio de Azevedo Marinho (1908-1914) and Adroaldo Solon Ribeiro (1920-23, 1925, 1927-28).<sup>60</sup> The promotion pattern established by decree 6440 made policemen begin their careers in the suburban districts, and move into the central ones, where they were promoted to first class, with an improvement in salary. Some *comissários* clearly follow this pattern, as Antonio Nunes da Silva, who started in the calm 17th District (1908-09), moved to the busy 14th District (1910-11) and reach the 5th (1916-19, 1921-23, 1926).

The other districts where some *comissários* remained for long terms were the more peaceful ones. Change seems to be a marked characteristic of the 12th and 14th Districts, the busiest without the first class rank. The longest stay was that of *comissário* Vieira de Melo at the 12th District, during the last 5 years of our study. We cannot know if he stayed in the 1930s, though he had been there before in 1919-20.

If it is reasonable to assume the progressive career move noted before, starting in the small districts and reaching the first class ones, which certainly meant financial improvement, it is also possible to believe that many *comissários* were quite satisfied to remain in untroubled areas, or searched for a peaceful appointment after many years of

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<sup>60</sup> *Comissário* Solon Ribeiro appears in 1917 as responsible for an arrest in a murder case, discussed in chapter IV.

busy work, probably having given up promotion. The only *comissário* who appeared in the first and last year of the sample is Joaquim Xavier Esteves. He spent most of his years in the 14th (1908-11, 1921-23) and 12th (1912-13, 1920) but in the end he was located in the 17th and 13th districts. Other *comissários* spent most of their time in the calm districts; Ângelo Magalhães Camara appears in the 19th District eleven times between 1910 and 1923, José Ribeiro Bastos Jr. stayed in the 17th from 1920 to 1926, when he moved to the 15th where he stayed two years; the contrary movement was made by João Pessoa, after ten years in the 15th, he moved to the 17th for two more years. The idea of a calmer district, however, has to be taken with some caution. Such districts certainly had less incidents, but they also had less personnel, usually four instead of five *comissários*, meaning that the *comissário* would be working more frequently.<sup>61</sup>

To close this broad view of the career of the *comissários*, we might ask if there is any other confirmation available in the sample. There is only one incident of a *comissário* remarking on his own career. On 8th July 1924 a military police private refused to go to pick up the newspapers for *comissário* Cesarino Paoliello, causing him to remark: "I don't know if the military rules forbid the privates to carry three or four newspapers but, even so, this has been the rule in the eighteen years I have been working in the police". *Comissário* Paoliello appears in our sample seven times between 1920 and 1928; it seems that he had been in the police since 1906, but he was not always a *comissário*. In 1909, he was an *escrevente* [assistant to the clerk], and was appointed to serve temporarily as *escrivão* [clerk] at the 2nd DP.<sup>62</sup> In March of the same year, he was interviewed in a selection to fill two vacant posts of *comissário*, but he only achieved his appointment as a *comissário* in 1917. He is an example of a person making a career in the police. A career simply as a

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<sup>61</sup> In our sample for 1925, for example, *comissário* João Gomes de Gouveia Jr., in the 19th DP, worked twenty nine of the ninety days sampled, i.e., in every three days he spent a full twenty four hours in the station.

<sup>62</sup> Jornal do Comércio, 20/01/1909.

*comissário* was not unique in the period. Promotion in the position was possible, but rare. Among the ten *comissários* that appeared in my sample and in the *Almanak Laemmert* in the three sampled years, three of the ten were first class *comissários* from the beginning, two were promoted between 1909 and 1917, one between 1917 and 1925, and four remained second class throughout the whole period.

Data concerning the selection of new *comissários* in 1909 allows some more comments on the career. There were 24 candidates for two posts. Selections were supposed to be free of the political influence which had characterized appointments before, although political influence would still be a complaint in the 1920s. The candidates certainly had some contacts in the police structure - and some of this was possibly political contact - and a determination to get the job. Nine of the candidates were already acting as temporary replacements in various stations, gaining experience.<sup>63</sup> And also nine of them would appear in later years of my sample, acting as *comissários*, having succeeded in this selection or - as *comissário* Paolielo - in later ones.<sup>64</sup>

A more difficult question is whether the *comissários* proceeded with their recording of events in the same way. It might be expected that in stable conditions, each *comissário* working one in every four or five days, over a long period they would end up with a similar number of records each. The problem is that our three month sample rarely found the *comissários* working regularly throughout. In two stations, in 1925, there were twelve different *comissários* acting in the three months. The closest to a regular division of work happened in the sample of 1917 and indeed the average of records is fairly close, with some few exceptions.

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<sup>63</sup> Eight of the appointments can be found in the Jornal do Comércio, between January and March 1909. The last one appears in my sample.

<sup>64</sup> I have no evidence that those already working had any advantage, either due to politics or experience. Four of the nine did not appear in the sample.



# Averages of daily records made and number of days worked

Jan/Mar 1917

<i>comissário</i>	05 DP	12 DP	13 DP	14 DP	15 DP	17 DP	19 DP
1	3.71 (17)	5.47(19)	2.30(23)	5.40(5)	3.14(22)	1.83(23)	2.5(2)
2	3.11(18)	4.42(19)	2.13(15)	5.1(21)	2.35(23)	1.43(21)	2(21)
3	3(16)	4(16)	2.09(22)	4.59(22)	1.96(23)	1.42(24)	1.5(2)
4	2.84(19)	2.79(19)	1.82(22)	4.05(21)	1.77(22)	0.64(22)	1.19(21)
5	2.7(20)	2.53(17)	1.13(8)	3.76(21)			1.18(22)
6							0.82(22)

Note: In brackets the number of days worked

The role of the *comissários*, and how they worked will be developed further in the following chapters. The first chapter will present a broad view of the formation of Rio de Janeiro's police forces and their role in early twentieth century. The second and third chapters attempt to make a quantitative analysis of police work, relying on two different sets of sources: chapter two uses official statistics and reports from the Chiefs of Police, while chapter three focuses on a sample of the Occurrence books.

Chapters four to six use the Occurrence books' data to produce a qualitative study of daily police work. In chapter four we discuss how the policemen structured the cases they received in keeping with an established knowledge which derived from police regulations; at the same time, however, it reveals them responding to the limitations found in applying the law and using the world views developed in the profession of policemen. Chapter five goes deeper into policemen's world views, discussing how these were derived from daily experiences and were reactions to pressures, demands and demeanours of the public. These views were also influenced by the ambience they found in the stations, both in its material conditions, and in interaction with other policemen. Finally, chapter six concentrates in the problems posed by contact with, and control over, women. The policeman's world was constructed as essentially masculine, but daily practice put them in constant contact with women, either as criminals or victims, resulting in further reinforcement of the policemen's views of social reality and social roles.

## **CHAPTER I**

### **THE DEVELOPMENT OF RIO DE JANEIRO'S POLICE**

#### **a) The Origins of Police in Brazil**

Modern police historiography presents the police as one of the creations of the modern nation states, following in its origins the patterns first established either in absolutist France or in nineteenth-century England, as part of the foundation of capitalist rule.<sup>1</sup> The two national sources of modern police forces meant two different models of policing, carrying consequences for the role of the forces in contemporary societies. The French police was supposedly a role model for authoritarian policing, concerned with the safety of state institutions, under centralized state control. The English model, represented

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<sup>1</sup> The more old-fashioned police histories thrive in locating the origin of the institution as far away as among the Germans, Normans or the Egyptians. It suits the police argument perfectly to prove that they have always been around.

by the Bobby, would mean a police under greater control by the citizens, concerned mainly with individual safety.<sup>2</sup>

This inherent dichotomy in police models was actually assumed and expressed in the creation of the English police, clearly intended to appear as something different from the French original. This dual model of policing spread into many variations, as for example, the colonial policing experience, which had to adapt the European models into very diverse circumstances.<sup>3</sup> It was part of a progressive strategy to present the English police system as a civilized alternative to the oppressive continental police, carrying with it the idea that it would eventually triumph over the older forms, while at the same time British rulers found it unsuitable for their non-civilized dominions. If there was any hope that democratic forms of policing might prevail, the American experience of police corruption and violence soon showed that the success of British police was not due to an

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<sup>2</sup> During the nineteenth century, the role of France as a police model suffered from the many changes in government, and when the Chief of Police of Rio discussed which model of policeman he wished - in 1917 - his alternatives were the English *Bobby* - his favourite - and the German *Schutzmann*. Annaes da Conferência Judiciária-Policial Convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal. Rio de Janeiro, Imprensa Nacional, 1918, vol. 2, p. 40.

<sup>3</sup> The study of the creation of police forces in colonial settings is still in its beginnings. The role model seems to have been the French police forces either the *marechaussée* or the *gendarmerie*, adapted in the British colonies according to the Irish experience. The usefulness and ready adaptability of the French model can be found not only in colonies but also in European areas as Northern Italy which fell under Napoleonic rule and later maintained the model. See Mike Brogden, 'The emergence of the police - The colonial dimension', British Journal of Criminology, 27 (1987), pp.4-14; Stanley Palmer, Police and Protest in England and Ireland, 1780-1850. Cambridge, Cambridge University Press, 1988; Robert T. Sigler & David J. King, 'Colonial Policing and Control of Movements for Independence'. Policing and Society, 3(1), 1992; and John A. Davis, Conflict and Control: Law and Order in Nineteenth-century Italy. London, Macmillan, 1988.

exportable model based upon local control, and more recent developments seem to indicate that, if there is a model for modern police, it is more probably that of the French.<sup>4</sup>

But speaking of police models can give an illusory impression, reinforced by the common name, that police forces were structured in the same fashion in different countries. In fact, most national polices present singular features that can be the cause of misinterpretations. In Brazil, for example, the police forces were established at the intermediary, state level, not as a national or municipal force. Rio de Janeiro, being the capital, was an exception, with its local force under the control of the central government. The police function developed quite spontaneously into two parallel forces; the civil police and the military police.<sup>5</sup> The civil police originated from a role of local administration and petty judicial functions, while the military police was born of a military task of uniformed patrolling. Along the time, the civil police had both their administrative and judicial functions restricted, while the military police came under frequent attack as inadequate for daily policing, motivating the creation of competing non-military uniformed police forces,

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<sup>4</sup> There exists a large bibliography concerning the history of police in Britain and the United States. The bibliography on France is considerably smaller but is also growing steadily. For an overview of the history of the British police, see Clive Emsley, The English Police. A Political and Social History. Hemel Hempstead, Harvester Wheatsheaf, 1991; a similar work does not exist for the United States, but the main references can be found in Roger Lane, 'Urban Police and Crime in Nineteenth-Century America', and Eric H. Monkkonen, 'History of Urban Police'. In Michael Tonry and Norval Morris (eds.), Modern Policing. Chicago, The University of Chicago Press, 1992, pp. 1-50 and 547-580. For France, although a little outdated, a good bibliographical essay is Philippe Robert and René Lévy, 'Histoire et Question Pénale'. Revue d'Histoire Moderne et Contemporaine, 32, 1985, pp. 481-526.

<sup>5</sup> The use of the name military police causes frequent confusion in English speaking countries, where the term is used to a branch of the army, which in Portuguese would be the *Polícia do Exército*. The links of the military police with the armed forces are much lesser than usually thought. In different periods and areas of Brazil, the military police used the names Public Force or Police Brigade.

notably the Civil Guard of 1905. Such forces never managed to replace the military police, and disappeared later, swallowed by the stronger force. That this system was considered unsatisfactory by many can be seen by the appearance of private paid police agencies, mainly night watches. These private police forces call for a study since we do not know almost nothing about them.

The policing of colonial experiences presented quite specific problems. In most colonial situations it would be hardly possible to expect agreement over the control and role of the police capable of satisfying both local and metropolitan elites, not to speak of the lower classes. But even within the colonial experience there are various distinctive features, and the case of Brazil emerges from a very particular context. The first structuring of a police force in Rio de Janeiro emerged from the forced transportation of the Portuguese elite to Rio in 1808, when the Napoleonic forces invaded Portugal, creating a curious situation which was only partly colonial. The model for the police organization was taken from the previous experience of Lisbon, where it had been created in 1760, and become more powerful, gaining extended powers to order prison sentences, in 1780. The royal *Alvara* of 10th May 1808 created the figure of the *Intendente Geral da Polícia do Brasil* in exactly the same terms as his Portuguese predecessor, whose role was based on the Parisian *Lieutenant Général de Police*. The powers of the *Intendente* were varied, and he acted as much as an administrator of the city and as a judge in different circumstances. The establishment of the post preceded the creation of a police force over which the *Intendente* could rely to enforce his acts, until the creation on 13th May 1809 of the *Divisão Militar da Guarda Real de Polícia*, the original structure of what became known as the military police. The division was composed of 218 men, including six officers, initially all Portuguese. Although in charge of patrolling the streets, especially at night, the main task of the force was to keep a permanent corps in barracks for guaranteeing public order. It remained largely a patrimonial force according to Portuguese military traditions; in 1810, Captain Manoel dos Santos Portugal offered to organize, at his own expense, a new cavalry

company, leaving the government only to pay for the horses' maintenance. In exchange for his generous offer he and his two brothers were appointed as officers of the company. This sort of practice would continue to characterize military institutions throughout the nineteenth century.<sup>6</sup>

The independence of Brazil from Portuguese rule in 1822 did not bring immediate changes to the police or to other state agencies. The possible reflection of change in the practices of the police force was the increase in anti-Portuguese sentiment. Clashes between Brazilian, Portuguese and other national elements recruited to the armed forces marked the beginning of independence.<sup>7</sup> The attempts of the first emperor to build a centralized state faced resistance from the local elites and the first decade of monarchy was marked by permanent clash between the centralizing groups around the emperor and local elites. In his attempt to institutionalize his rule, the emperor created the new Penal Code in 16 December 1830; but his political problems would soon force him to abdicate - in April 1831 - in favour of his five year old son, leaving the structuring of the criminal justice system to the ruling elites of the regency period.

The Criminal Procedure Code, enacted by the regency in 29 November 1832, was one of the most important legal statutes to represent the dominant political thought of the period. Against the trends of the 1820s, it tried to strengthen local powers, concentrating authority in the hands of locally elected Justices of the Peace. The frequent revolts of the 1830s, fostered by the disputes among the local elites, soon showed the obstacles to the establishment of a national state based on local order. The reform of the Criminal Procedure Code was sponsored by the Conservatives in 3 December 1841, and intended to

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<sup>6</sup> Information for this paragraph relies on Compêndio de Instrução Policial mandado organizar pelo General Comandante José da Silva Pessoa. Tipografia da Polícia Militar, 1922, pp.127ss.

<sup>7</sup> Soldiers from various European nations got involved in the fights after the independence. In 1828, the police of Rio fought rebelled Irish mercenary soldiers in the streets.

reduce the powers of the elected justices, replacing them by a centrally appointed structure of professional judges and police officials, "with considerable judicial prerogatives".<sup>8</sup> Faced by the difficult task of organizing a state apparatus over a vast territory, without a professional class large enough from which to recruit for state service, since the Law Schools were only ten years old, the Conservative elite had to grant power to minor officials, and the police received judicial powers in the less serious cases.<sup>9</sup>

The development of the Brazilian police started in Rio de Janeiro and spread to the provinces, where it was placed under the authority of the provincial president. Rio, being the home of the Imperial Court,<sup>10</sup> remained the only police under the direct control of the central government. The forces adapted to the diverse conditions and resources available in the regions. Rio's police, although the original model, developed in a very particular fashion. The presence of the Imperial Court and of a dynamic commercial structure around the port provided for much larger human resources, both for policing and for the broader criminal justice system. Criminal justice benefited from a larger pool of professionally trained legal personnel than elsewhere in the country, besides attracting lawyers from the provinces; but it was also moulded by general legislation providing for the areas of scarce resources. The police, having as its main concern the presence of the Court and the threat posed by slavery, relied basically on the military structure of the military police.

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<sup>8</sup> Thomas Flory, Judge and Jury in Imperial Brazil, 1808-1871. Austin, University of Texas Press, 1981, ch. 9, citation from page 172.

<sup>9</sup> There is a large literature on state-building in nineteenth-century Brazil. See José Murilo de Carvalho, A Construção da Ordem: A elite política imperial. Rio de Janeiro, Campus, 1980; Ilmar Rohloff de Mattos, O Tempo Saquarema. São Paulo, Hucitec, 1988; Raimundo Faoro, Os Donos do Poder. Porto Alegre, Globo, 1975; and Fernando Uricoechea, The Patrimonial Foundations of the Brazilian Bureaucratic State. Berkeley, University of California Press, 1980.

<sup>10</sup> The city of Rio was referred to as the Court.

The Chief of Police - a post that replaced the Intendente in the Criminal Procedure Code of 1832 - had the same judicial powers in Court as his provincial counterparts, but acted in a much more restricted area. His relationship with his *delegados* - his representative in a local jurisdiction - was much closer, and a structure of a civil police, hierarchically defined, began to develop. In the 1860s the legal organization recognized the distinction of a civil and a military police in the city, and there was an early attempt to create a non-military police force.<sup>11</sup>

In September 1871, a new law eliminated the judicial powers given to the police.<sup>12</sup> The end of the imperial period saw the growth of the police organization, but with the more restricted legal powers which marked their role throughout the twentieth century. From 1870, Rio experienced growth caused by immigration, and the final disorganization of slavery, which was to end in 1888. These structural changes are epitomised by the fall of the empire on 15 November 1889; the new republican regime acted to reform the police structures of the capital, to a certain extent following the new requirements created by the changes of the last thirty years, but with an added impetus, in order to prove the superiority of the new regime.

The reform of the police service had to attend to more than the changes of the city. It happened at a time when the whole idea of policing was experiencing the impact of scientific, positivist thought and the Brazilian capital was not free from this influence. The last quarter of the nineteenth century saw the formation of an intellectual elite in the city,

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<sup>11</sup> The studies which I have relied upon until now stop in the 1860s. José Luiz Werneck da Silva, 'A Polícia no Município da Corte: 1831-1866'. In Gizlene Neder et al. A Polícia na Corte e no Distrito Federal 1831-1930. Pontifícia Universidade Católica do Rio de Janeiro, 1981; and Thomas Flory, op. cit. The second part of Neder's book supposedly starts in 1870 but in fact only give attention to the period after 1889.

<sup>12</sup> On the subject see Thomas H. Holloway, Policing Rio de Janeiro. Repression and Resistance in a 19th-Century City. Stanford, Stanford University Press, 1993, pp. 246-249.



well versed in the European developments in science, which, among many other interests, closely followed the formation of criminology and the penal sciences. They read Lombroso and Bertillon, and called for the application of their findings in the police and criminal law.<sup>13</sup> Their role in the enforcement of police reform cannot be neglected, although the impact of their theories on daily policing, as we will show later, was limited.<sup>14</sup>

The republicans set themselves to reform the criminal law and the police system of Rio. A new Penal Code was quickly drafted and put in force by Decree 847, on 11 October 1890, replacing the sixty year old Criminal Code.<sup>15</sup> Criminal procedure was decentralized by the republican constitution, with the regulations needing approval by state legislatures. In the case of Rio, the capital of the nation - called by the Republicans the Federal District - was maintained under the authority of the federal government, and the rulings of the old Criminal Procedure Code (1832) were kept in force.

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<sup>13</sup> One of the leading thinkers in law was Viveiros de Castro, a judge in Rio, who published in 1894 an introduction to the positivist approach to criminal law, presenting the ideas of Lombroso, Ferri and Tarde. A Nova Escola Penal. 2ed., Rio de Janeiro, Jacinto Ribeiro dos Santos, 1913.

<sup>14</sup> The study by Gizlene Neder and Nancy Naro of the period takes much of the reformers writings as actual changes in the police activity. 'A Instituição Policial na Cidade do Rio de Janeiro e a Construção da Ordem Burguesa no Brasil'. In Gizlene Neder et al., op. cit.

<sup>15</sup> The Penal Code of 1890 would remain in force until 1940, therefore during the whole of our period of study. The translation of law terms, especially from such different traditions as the Brazilian and British, is always complicated. See the appendix for a summary of the criminal law, and of the institutions of the criminal justice system.

## **b) The Military Police until 1905**

There were significant developments in the two main police forces in the early years of the Republic.<sup>16</sup> The uniformed policing of the streets of Rio had been reorganised just before the fall of the empire, in April 1889. The *Corpo Militar de Polícia da Corte* would again be changed, into the *Brigada Policial da Capital Federal*, by the decree 958 of 6 November 1890. It was to be reformed three more times during this period, in 1893, 1901 and 1905, when the name was again changed to *Força Policial do Distrito Federal*.<sup>17</sup>

This force was commanded by an army officer, independent of the Chief of Police, controlled directly by the minister of Justice. The Chief had to apply to the Commander when he needed the force, and he complained almost every year about this structure in his reports to the minister:

The independence enjoyed by that force [the Brigada], the executive arm, from the Chief of Police, the head of the system, is completely incompatible with the needs of policing.

As the Chief of Police is responsible for public order and individual safety, he depends on the Command of the Brigada, which can - and in fact does - refuse the demand for force.

The only way to alleviate the evils which this creates for the public service is making the Commander of the Brigada subordinate to the Chief of Police ... indeed, there will never be good policing in this city while the servant considers himself more important than the master.<sup>18</sup>

The force was organized according to the structure of the army, with its ranks ranging from private to lieutenant-colonel. Officer rank was granted directly only to former

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<sup>16</sup> The following sections are based on my MA Diss, Marcos Luiz Bretas, A Guerra das Ruas: Povo e Polícia na Cidade do Rio de Janeiro. Rio de Janeiro, IUPERJ, 1988.

<sup>17</sup> The reforms were made through the decrees 1263A, of 10 February 1893; 4272 of 11 December 1901 and 5568 of 26 June 1905.

<sup>18</sup> Draft of the report of the Chief of Police for the year 1897. Arquivo Nacional, box 6C21.

army officers, even honorary ones. Recruitment was voluntary. Recruits had to be over eighteen and less than forty-five; only a third of the force could be foreigners, and those had to have lived in Brazil for more than two years. In 1901, the upper age limit was reduced to forty and the requirement of literacy was introduced. Training was provided in the barracks, without a clear program, and ceased as soon as the new private was considered ready for service. From 1901, an examination was introduced as a requirement for promotion to officer ranks.

If the legislation of 1901 improved selection and training, it also reduced the number of policemen. In 1889 there was a military policeman for 345 citizens; this increased to one policeman to 227 citizens in 1893. It fell to a ratio of one to 294 in 1901 then rose again to one to 172 in 1905.<sup>19</sup> The changes in the number of policemen followed the cuts in state expenditure at the turn of the century, and showed a recovery after the urban reforms of Pereira Passos (1902-1904), when concerns about urban behaviour reached their peak. The variations in the number of policemen did not alter the basic reality of low salaries, as the Commander of the force remarked in his report of 1907:

The work of a policeman besides being tiring, receives low payment. While a worker receives five to seven thousand réis daily, dressing as he likes, free nights, and going to work when it pleases him to work for only eight hours, ... the police private has to work for twelve hours, in two alternate shifts, has to sleep in the barracks ready for alerts and extraordinary services, always restricted to

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<sup>19</sup> Comparison of the growth of the population and the military police, using 1889=100.

Year	Population	Police
1889	100	100
1890	103	135
1893	112	168
1901	140	162
1905	158	313

the uniform and drill, being paid the insufficient sum of three thousand nine hundred réis, less than the rudest apprentice mason<sup>20</sup>

In this period, the military police officers showed the first signs of creating a professional identity. In 1892, the first Almanac of Officers was published, listing all the officers and providing data about their careers. The Almanac shows how difficult it is to find a pattern in the career of police officers. Some joined the police at more than thirty years old, usually former army men, but there were also cases of people joining at sixteen, fourteen and even one reported as only ten.<sup>21</sup> The time taken in getting promotion also varied. The organizer of the Almanac, Captain Carlos Alberto da Cunha, reached this rank at the age of twenty-six while José Luiz Osório - a former army private - was promoted to the same post when he was forty-seven.

Another publication, the Revista Policial, was established in 1903 "with the patriotic intent of making the police private respected and loved by the population of the city". The Revista was distributed freely among the privates, stressing articles on hygiene and discipline, these problems perceived as being their main needs. The focus on hygiene pointed to the problem of a higher mortality among police privates than among the rest of the population, something which could also be blamed on the harsh working conditions and low salaries. In the Revista we can find some officers trying to define the difference between the work of the civil police and the military police. Police Major Cruz Sobrinho went so far as to suggest the creation of a civic guard to police the city (which in fact, as

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<sup>20</sup> Report of General A. G. Souza Aguiar, quoted by Bandeira de Melo. A Polícia Militar Federal. Contribuição para sua História de 1808-1909. Rio de Janeiro, Tip. d'A Imprensa, 1909, p.50-51. In fact, according to data provided by Eulália Maria Lahmeyer Lobo and Eduardo Navarro Stotz, 'Flutuações Cíclicas da Economia, Condições de Vida e Movimento Operário - 1880 a 1930'. Revista Rio de Janeiro, 1, dec. 1985, pp. 61-86, an apprentice mason earned slightly less than a police private.

<sup>21</sup> As the law required an age of eighteen it is probable that data was misprinted.

we will see, was to be created two years later) leaving the military police in barracks to act as an auxiliary force to the army in big disorders. The focus of military policing, he argued, should be worker's strikes and political disturbances.<sup>22</sup> These proposals clearly ignored the failure of the military police when faced with major disturbances, as was to become painfully clear during the riots of November 1904, when people rebelled against vaccination. The riots followed a pattern established on earlier occasions; the police were attacked and the crowds only calmed down once the army took over the tasks of policing.<sup>23</sup> This was not a result of different approaches to riot control but reflected the negative view in which the police was held by the population of Rio, in contrast to the esteem of the army.<sup>24</sup>

Lack of discipline was clearly perceived as a problem in the imposition of a more positive view of the police. This was apparent in a long standing debate over the juridical status of the police privates; whether they were to be treated as public officials or not. The consequences of this definition were very clear, and twofold. First, public officials who committed offences related to their office went before special courts instead of facing

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<sup>22</sup> Revista Policial, 1(1), Aug. 1903; 3(1), Oct. 1903 and 5(1), Dec. 1903.

<sup>23</sup> The riots of November 1904 are very well studied. See José Murilo de Carvalho, Os Bestializados. O Rio de Janeiro e a república que não foi. São Paulo, Cia. das Letras, 1987; Jeffrey Needell 'The Revolta Contra Vacina of 1904'. Hispanic American Historical Review, 2 (67), may 1987; Nicolau Sevcenko, A Revolta da Vacina. Mentos Insanas em Corpos Rebeldes. São Paulo, Brasiliense, 1984, and Teresa Meade 'Civilizing Rio de Janeiro': The Public Health Campaign and the Riot of 1904'. Journal of Social History, vol.20, n.2, winter 1986.

<sup>24</sup> Even in the disturbances of January 1909, the Jornal do Comércio could report the masses hailing the army while yelling 'Death to the police'. Jornal do Comércio, 15/01/1909. The army itself, due to the groups that provided most of its manpower, was a focus of contempt against the police. Conflicts between the police and soldiers were very common, and at least in one conflict, in 1891, when students barricaded themselves against the police, the press noted the presence of army officers among the rebel students.

judges and juries as anyone else. In 1898 a judge decided in favour of considering policemen as public officials, subjected to special procedures, and his decision was confirmed by the superior courts. Some years later, in another trial of policemen accused of murder, the decision was reversed, the special process was nullified and policemen henceforth were sent before a jury.<sup>25</sup> These decisions had the further effect of making insults against a police private common insults instead of the crime of insulting public officials. The first Guia Policial [Police Guide] published in 1909 commented on the situation, blaming the policemen themselves for their loss of status:

The bare education of the police private, his lack of interest in the job and his unnecessary use of violence - these are the causes of the doctrine which denied him the right to be considered a public official. Now that he tries to impose himself in front of the public in totally different ways, we should expect that law will protect him against insults he no longer deserves.<sup>26</sup>

The matter would have to wait until the 1920s to be settled by a law that explicitly granted official status to the policemen.

### **c) The Civil Police**

The civil police, with the tasks of coordinating the policing of the city, keeping the peace and preparing criminal cases for prosecution, became increasingly important. The appointment to the post of Chief of Police was considered as a very important step in a career in the judicial system.

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<sup>25</sup> For the full details of the debate see Código Penal da República dos Estados Unidos do Brasil, comentado por Oscar de Macedo Soares, advogado. 5th Ed. Rio de Janeiro, H. Garnier, 1910, p. 454-463.

<sup>26</sup> Guia Policial, organizado de ordem do exmo. Sr. General Dr. Gregório Thaumaturgo de Azevedo, Comandante da Força Policial do Distrito Federal, pela comissão composta do Major João Bernardino da Cruz Sobrinho e Tenentes Gustavo Moncorvo Bandeira de Melo e Carlos da Silva Reis. Rio de Janeiro, Of. Gráficas da Liga Marítima Brasileira, 1910, p. 65.

Significantly, the command of the police was the only post that was offered to the more radical republicans in November 1889. The new rulers considered it very useful to have one of the young radicals in charge of the maintenance of order in Rio. They chose João Batista Sampaio Ferraz, a 32 year old republican activist, who had earlier been a public prosecutor in Rio.<sup>27</sup> He was only too glad to take advantage of his exceptional powers during the lack of a constitution to attack all those he saw as enemies of the republic. He used his powers in an equitable way deporting without trial both monarchist leaders and poor criminals. The persistent campaign he launched against the *capoeiras*, the bands of street fighters prominent in nineteenth-century Rio, saw most of them sent to a prison island, and gained him strong approval in the city. He used this prestige to secure more votes than anyone else in the election of Rio's representatives to the Constitutional Assembly of 1890.<sup>28</sup>

In the first fifteen years of the Republic, the Government reorganized the Civil Police three times, in 1892, 1900 and 1903.<sup>29</sup> Unlike the rest of the country, the police of the city remained under federal responsibility and the Chief of Police was appointed by the President, on the advice of the Minister of Justice. The first republican organization of the police was made in 1892, still under military rule, and interrupted an imperial tradition of appointing only magistrates to the post. The president, Army Marshal Floriano Peixoto, counted on the army for support and decided to have an army officer as his Chief of

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<sup>27</sup> It is interesting to note that though Sampaio Ferraz was a republican radical, very close to their main leader Silva Jardim, he was also a relative of the Minister of Justice - his superior - Campos Sales, and through marriage to leading monarchists.

<sup>28</sup> On Sampaio and the *capoeiras* see Marcos Luiz Bretas, "A Queda do Império da Navalha e da Rasteira: A República e os Capoeiras". Estudos Afro-Asiáticos, 20, 1991, pp. 239-255.

<sup>29</sup> Decree n. 1034A of 1 September 1892; decree n. 3640 of 14 April 1900 and decree n. 4763 of 5 February 1903. It would be reformed again in 1907.

Police.<sup>30</sup> The tradition was reinforced from 1894 on, and clearly stated in the reforms of 1900 and 1903: the Chief of Police had to have a law degree, with at least six years of practice or distinguished action as magistrate or prosecutor. The law of 1900 still accepted less experience when the nominee "had shown - through his studies - special aptitude or taste for police work". In the police reform of 1907, the practice of law required for appointment was raised to ten years.

Examining the fourteen Chiefs of Police appointed between 1889 and 1910 gives some ideas about the process of choice.<sup>31</sup> As the decision remained with the federal government, it was not necessary that the appointee came from the city. In fact, only two of them had been born in Rio. As the law faculties in which they studied were located in São Paulo and Recife, their association with the city might be very recent. Other associations, political or familial might be of greater importance; when the Minister of Justice was J. J. Seabra, a senator from the state of Bahia, the two men appointed as Chief of Police also came from Bahia. When the former Minister of Justice from the first republican government - Campos Salles - was elected President in 1898, he invited his cousin - and once successful Chief of Police - Sampaio Ferraz to return to the office. Sampaio held the post for two years and left to be elected to the assembly again. His replacement was the director of the Hospice for Blind, who had been in Europe studying the French and British police systems, and had published a book on the subject, which he dedicated to Campos Salles.<sup>32</sup>

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<sup>30</sup> Col. Manuel Presciliano de Oliveira Valadão was Chief of Police from 1893 to 1894, when Floriano left power to the civilian elite.

<sup>31</sup> Listing the Chiefs of Police does not seem to be an easy task. I have worked with the list provided in O Governo Presidencial do Brasil. Rio de Janeiro, Fundação Casa de Rui Barbosa, 1985, p. 198. This list ignores, for example, Carlos da Silva Costa, who was Chief of Police during nine months, in 1926. Other sources present slightly different lists.

<sup>32</sup> João Brasil Silvado, O Serviço Policial em Paris e Londres. Rio de Janeiro, Imprensa Nacional, 1895.



The appointment to the post of Chief of Police offered the opportunity of working closely with politicians and provided an opportunity for further developments in a career. The prime goal was a nomination to the Supremo Tribunal Federal (Supreme Court). Nine of the fourteen Chiefs of Police in this period got there, four of them appointed while still Chief of Police. All six Chiefs of Police between 1900 and 1910 went to the STF. Among the others, two went into politics, the army officer Presciliano Valadão who became governor of a small northeastern state, and Edwiges de Queirós who would later be Chief of Police again, left the post to be appointed Minister of Agriculture. The exceptions to these rising careers were Sampaio Ferraz, disillusioned with politics as much as politics was disillusioned with him, Agostinho Leite de Castro who spent his career in the police and apparently was just an interim replacement, and Brasil Silvado who left office after strong criticisms of his action - or lack of it - during a strike, and who returned to the care of blind persons.

The post was usually held for short periods, averaging less than two years. This was soon to be perceived as an obstacle to enforcing the necessary reforms of the police system. In 1917, the Chief of Police Aurelino Leal compared this policy with that of European forces, especially the long administrations of the commissioners of London's Metropolitan Police, and the improvements in French policing during the long administration of Louis Léprieux in Paris.

If the Chief of Police was prey to federal politics, his assistants were victims of local politics. As a long-term career in the police did not exist, the appointments were used in political bargains and were extremely unstable. The Chief of Police was assisted by two and, from 1899, three *Delegados Auxiliares* [Deputy Assistants] and had the city divided in

20 urban districts and 8 suburban districts, each headed by a *delegado*.<sup>33</sup> Until the beginning of the twentieth century, when a Chief of Police left his post, all the *delegados* might be dismissed too, to open places to men appointed by the new Chief.

The political bias of the appointments at the lower levels can be illustrated by the behaviour of the directory of the Republican Party in the parish of Paquetá. They appointed Francisco Marques da Silva to replace the *delegado* Carlos Leite Ribeiro - himself a member of the directory - stressing that the nomination "met the political needs of the parish". The Chief of Police could also receive nominations in brief notes from the cabinet of the Minister of Justice such as this: "From tomorrow, 31, João Sales is to act as Third [delegado] Substitute,<sup>34</sup> and you are authorized to dismiss anyone to provide a vacancy. Any district, urban or suburban, will suit him".<sup>35</sup>

The political nominations caused general complaints. The delegado of the 2<sup>nd</sup> *Circunscrição Suburbana* [Suburban District] asked for additional support during Christmas time, because his assistants "were wealthy, but cannot be trusted because they

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<sup>33</sup> As with the Chief of Police, the *delegados auxiliares* and *delegados* had to have a law degree, with four years experience for a *delegado auxiliar* and two years for a *delegado*. Between 1900 and 1903 the urban districts were reduced to twelve; later in our period two more districts were created.

<sup>34</sup> The *delegados* had three substitutes, appointed among the wealthy citizens of the area. Though not paid, the title could provide influence, although this influence was clearly diminishing from its more important role in the nineteenth century. When the historian Vieira Fazenda died in 1917, Escragnolle Dória wrote in his obituary: "They made him Justice of the Peace. In those days [the nineteenth century], being a Justice of the Peace or substitute *delegado* were the supreme honours reserved to the parish eminencies". Jornal do Comércio, 25/2/1917.

<sup>35</sup> Those documents are from the series 6C in the Arquivo Nacional, Rio de Janeiro. The first was dated 8/4/1898 and is in box 6C21, and the second is dated 30/12/1899, box 6C35; the place of substitute might have been a gift for new years eve.

were appointed through electoral influences". Anonymous letters also complained: "The inhabitants of Ilha do Governador are extremely happy with the 'gift' you [the Chief of Police] gave them, appointing a delegado linked with the band of Senator Thomaz Delfino...".<sup>36</sup>

The political criteria of the appointments stimulated open political campaigning by the police, trying to inhibit opposition voters, and even cases where police officers themselves were candidates, such as Numa de Azevedo Vieira, clerk of the 2<sup>a</sup> CU in 1899.<sup>37</sup> The official position of the Chief of Police was always against any political involvement. Sampaio Ferraz addressed a critique to a *delegado*: "Politics is a strange ground, where ambitions grow that cannot be compared with the aspirations of those leading the police department".<sup>38</sup> One year later he was himself running for election.

The *Delegados Auxiliares* could act on behalf of the Chief in his absence and were in charge of policing public entertainment, traffic and pawn shops. They would conduct *inquéritos* on crimes in ships, crimes involving public officials and crimes judged by federal justice. The delegados auxiliares were lawyers with some interest in pursuing careers in the public service, and would frequently leave the post to work as judges or prosecutors.

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<sup>36</sup> 20/12/1898 and 23/11/1898, Box 6C21.

<sup>37</sup> See for example the complaint made by voters of the S. José parish against the *escrivão* of 5th CU [urban district], Ernesto Cardoso, who was taking voting certificates to stop votes against the candidate Henrique Alves de Carvalho, in 8/10/1895, box 6C5, or the complaint made by the Centro Operário Internacional against the *delegado* of the 3rd CS, accused of work for the candidate Augusto Vasconcelos, 23/01/1899, box 6C37. The complaint against the candidate Numa de Oliveira is in box 6C34; he still appears as a clerk in the 1910s.

<sup>38</sup> 23/1/1899, Box 6C37.

We still need a study of police personnel. Some contemporary testimonies compared it to Vidocq's police in France, recruited among the criminals, a direct result of the distribution of jobs as political favour, often as a reward for performing illegal tasks:<sup>39</sup>

Our Corps of agents and military police are not constituted by a good social selection but haphazardly, as a result of the requests of interested acquaintances, who want to belong to the institution to explore other people<sup>40</sup>

The police administration, to some extent, shared this view, and dismissed their agents frequently. The agent Rolindo was dismissed after a complaint made by a thief, Augusto Dias, claiming that he had only been arrested because, after many years, he had ceased to bribe the agent. He decided to stop the bribe after being arrested in spite of "having paid one hundred milréis not to be disturbed during the Penha feast".<sup>41</sup> These cases of dismissal seldom brought with them any further criminal procedure.

As employment in the police was part of a larger scheme of political influence, many dismissed agents still kept their contacts either with politicians or the police, and probably used them. In July 1899, the Chief of Police ordered the stations not to permit entrance to dismissed agents, and later cancelled all forms of identification other than their letter of appointment, because many people were pretending to be agents to make arrests and then accept bribes.<sup>42</sup>

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<sup>39</sup> Electoral fraud was a common feature throughout the period. It would require violence to dissuade opposition voters or to steal the voting urns. This was very important in keeping electoral participation at the low levels found by José Murilo de Carvalho, *Os Bestializados*, cit. As a writer commented in the *Jornal do Comércio* in 1909, violence was useful to keep voters away, although it failed to keep people away from the carnival.

<sup>40</sup> Evaristo de Moraes, *A Questão das Prostitutas*. Rio de Janeiro, 1897, p.58-59.

<sup>41</sup> The Penha feast, at the church of Our Lady of the Penha, gathered a huge number of visitors in the outskirts of Rio, during the month of October. Box 6C41.

<sup>42</sup> Box 6C35.

#### **d) The police forces after the urban reform**

From the beginning of the twentieth century, the Brazilian government started to reform its capital city. The republican turmoil of the 1890s was over, financial restrictions had been overcome and the proper conditions for a long awaited reform were at last obtained.<sup>43</sup> The focus of reform was to provide the nation with a good international link through the establishment of a new port and its transport connections with the city and countryside, and to make the city capable of receiving visitors without the threat of disease or disorder. Most of the research about this period emphasizes the work on infrastructure and sanitation, but the enforcement of order, and therefore the police, also deserves attention.

Attempts at reform began in 1903, but the problem gained importance after the police failure to control the riots against vaccination of November 1904. A new uniformed force - the Civil Guard - was created in 1905, aimed at diminishing public hostility towards the military police, and providing a better looking police for the newly renovated city centre. In 1906, the new President appointed as Chief of Police a politician with a long

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<sup>43</sup> For a view of the plans for urban reform since the 1870s, see Lilian de Amorim Fritsch, 'Palavras ao Vento: a Urbanização do Rio Imperial'. Revista Rio de Janeiro, 3, aug. 1986, pp. 75-85.

standing interest in the matter, who was to play a key role in the new developments:

Alfredo Pinto.<sup>44</sup>

An experienced politician, with his own view of the police needs of the city, Pinto quickly prepared and enforced his own police reform, and represented the police face of urban reform. The next chapters will explore the external effects of his reforms but for now we will concentrate on the redesigned structure of the police. The police was defined as 'judicial and administrative or preventive, each of which was enforced by the police authorities'.<sup>45</sup> The police had power over the area of the Federal District [the city of Rio] which was divided into 28 police districts, graded in three classes (arts. 5&6), 'the most interesting point of the reform', according to Pinto.<sup>46</sup>

The Chief of Police was the highest police authority, under 'supreme inspection [suprema inspeção] of the President of the republic, and superintendence of the Minister of Justice'. He was to be appointed by the President from among lawyers with ten years practice, or with special studies in the field. His functions were listed in the sixteen sections of article 32, specifying that he could exercise any and all the powers of his subordinates;

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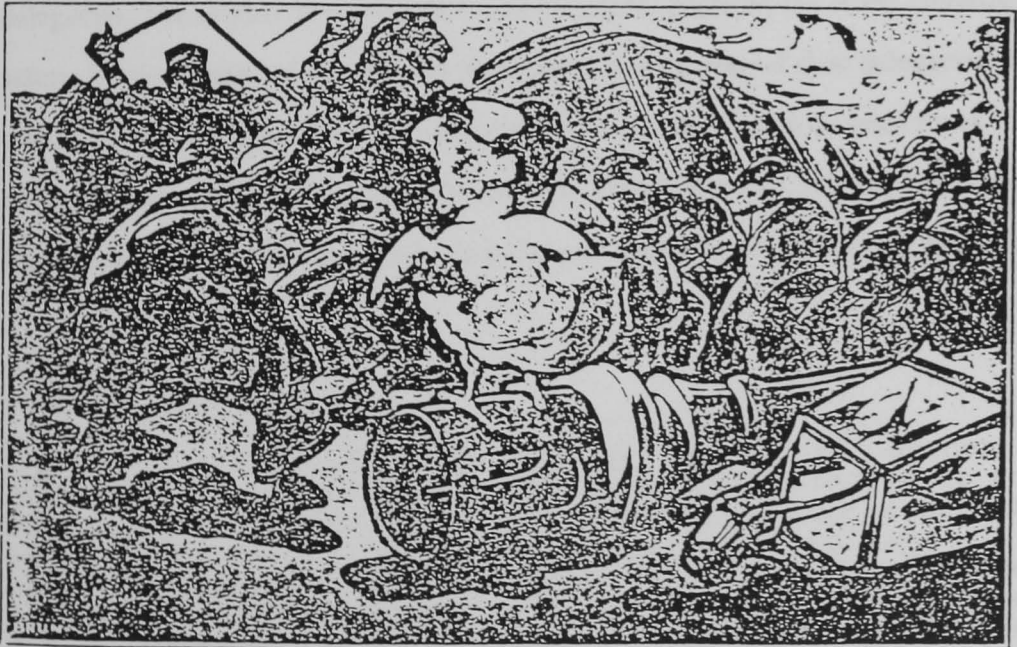
<sup>44</sup> Alfredo Pinto [Vieira de Melo] had been associated with police matters for a long time. He was Chief of Police of the state of Minas Gerais between 1893 and 1896, when the governor was Afonso Pena, who called Pinto to the post in Rio, when he became President in 1906. In 1899, as a congressman, Pinto presented to Congress what would become the law 628 - known as Alfredo Pinto Law - that granted prosecuting powers to the police in cases of misdemeanour. Facing strong criticism from representatives and lawyers, he defended his project in a book financed by the police. After his three years as Chief of Police, he continued to be a key person, being appointed Minister of Justice in 1919 and Judge at the Supreme Court in 1921, where he stayed until his death in 1923. Laurenio Lago, Ministros do Supremo Tribunal Federal. p.204-205.

<sup>45</sup> Article 2 of the Police regulations enforced by the Decree 6440 of 30 March 1907. The subsequent quotations come from the same source.

<sup>46</sup> Relatório, 1907, p.v. For the full quotations of the reports of the Chiefs of Police, refer to the bibliography.



ALFREDO PINTO



Um *pinto* querendo cantar de gallo.

A CHICK [PINTO] PRETENDING TO BE A  
ROOSTER

deploy the military police, the civil guard and the police agents whenever needed; grant money rewards to police personnel or any other person who helped the police; promote, transfer or dismiss, and give up to sixty days paid leave to his subordinates; issue passports, survey the sales of weapons and the production of explosives; organize the criminal statistics and present a yearly report to the Minister of Justice. He had under his orders: 1) the Service of Legal Medicine; 2) the Bureau of Identification and Statistics; 3) the Maritime Police; 4) the Inspectorate of Vehicles; 5) the Corps of Investigation and Public Security; 6) the Civil Guard; 7) the Correctional Colony of Dois Rios and the Correctional School 15 de Novembro; 8) the House of Detention; 9) the Hospice for abandoned children; 10) and the Military Police.<sup>47</sup>

The Chief was assisted by three - and after 1922 four - Delegados Auxiliares, who would maintain a twenty-four hour service at the Central Police station, representing the Chief in his absence. Each Delegado had also special responsibilities; the first was in charge of traffic, and of inspecting the Correctional Colony and School and the first class delegacias. The second oversaw public entertainment, guaranteeing order, morality and safety; he also inspected the licensed pawn shops and the second class delegacias. The third controlled the Maritime Police, having authority to conduct inquiries into crimes committed on ships, and to inspect the third class delegacias (art.34). The inspection of the local delegacias was supposed to be done through quarterly visits.<sup>48</sup> As the post of delegado

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<sup>47</sup> In the case of the Military Police, his authority was only partial since the commander answered directly to the Minister of Justice. These two authorities represented the main limits to the Chief's authority and the Chiefs complained about the independence of the Military Police, and in 1917, during a Conference on Police and Justice, Chief of Police Aurelino Leal would forward a proposal to eliminate the role of the Minister of Justice, linking the Chief directly to the president.

<sup>48</sup> Instructions for this inspections were issued in 15/10/1919. See Revista Policial, 1(2), 1919, p.12



auxiliar served as a step in the ladder of the judicial system, many left to work as judges or prosecutors without remaining long in the police service.

The twenty eight *delegados* - later thirty - chosen among the lawyers with two years of practice, were the principal police officials in designated areas of the city - the districts. The law listed thirty three duties they had to fulfil, related to the maintenance of public order, investigation of crimes and police bureaucracy. They had to be present in their station twice every day; between 11:00 and 4:00, and again at night 'for as long as needed'.

The law of 1907 attempted to establish a police career, and drew up a scheme of promotion for the *delegados*. They were initially to be appointed to one of the third class districts, which were roughly the large rural areas around the city, and then were promoted, as vacancies appeared, to the second class and then first class. The *delegados* of the first class districts provided the pool for the selection of the *delegados auxiliares*. However, a career as a police *delegado* was not common at least until the 1920s.<sup>49</sup> The number of posts was very limited, ten in each class, and vacancies were thought to be rare; in fact they were frequent. This can be readily explained since the *delegados* did not plan a long term career in the police, and this allowed for quick mobility. Either men left because they were not

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<sup>49</sup> A check of the listings of *delegados* in the Almanak Laemmert for the years 1908, 1913 and 1917 shows that only nine of the thirty one *delegados* of 1908 appear in 1913. In 1917 they are only three, but two others reappear. Apparently only Cid Braune, Raul de Magalhães and Benedito Marques da Costa Ribeiro remained as police *delegados* for a ten year period. Costa Ribeiro was first class throughout the period; Magalhães was second class in 1908 and Braune was third class, but both appear as first class from 1909. Raul de Magalhães was Third *delegado auxiliar* in 1914. A strange case is Jorge Gomes de Matos, a first class *delegado* in 1908, Third *delegado auxiliar* in 1909, who disappears in 1913 to reappear as second class in 1916.

promoted, seeing new *delegados* advance ahead of them, or they left because, having been promoted, they found themselves capable of obtaining more attractive jobs.<sup>50</sup>

To help the *delegados* in the daily work at the stations, the law reorganizing the police in 1907 created the figure of the *comissário*. There were supposed to be thirty first class *comissários* and a hundred second class. The first and second class districts were to have at least four *comissários*, and the third class' three (art. 7); and the first class *comissários* were to work in the first class districts. The role of the *comissários* has been discussed in the first chapter.

There were other personnel working in the stations. According to the law of 1907, each station was to have an *escrivão* [clerk], an *oficial de justiça* [bailiff] and, for the first and second class stations, an *escrevente* [assistant clerk]. These individuals were not very important; the clerk and his assistant were in charge of keeping the books and recording procedures, and the bailiffs - who are never referred to in the occurrence books used for this thesis- had their function described as 'personally issuing summons, carrying out arrests and such other tasks as they were given; and executing all orders of his superior', tasks frequently performed by the military police *prontidão*. They had only one concrete assignment: to ring a bell to announce the beginning of the *delegado's* audience (art.51).

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<sup>50</sup> It is illustrative to follow the career of Geminiano da Franca, moving between the police and the justice system: he graduated in law in 1892, and was appointed public prosecutor in a region of the state of São Paulo, but did not stay, preferring a post of delegado in Niterói, capital of the state of Rio de Janeiro. His position allowed him to gain a post of municipal judge in a small town of the same state, until he returned to the police, this time in the city of Rio, where he reached the post of delegado auxiliar. Once again, he used his place to enter the city magistrature, where he made a career, reaching the local High Court in 1913. He became Chief of Police in 1919 until his nomination to the Supreme Court in 1922. Laurenio Lago, op. cit., p.205-206.

With the expansion of the Bureau of Identification, the *identificador* was created. He was in charge of preparing personal files, and taking the fingerprints of those arrested (art.176).<sup>51</sup> Although they were not listed in the law of 1907, there was also an agent from the Corps of Investigation permanently assigned to each station, whose main duty was to investigate complaints of property crimes.

In the broader tasks of policing the city, the civil police had to rely on the help of three forces: the Military Police, the Civil Guard and the Corps of Investigation. The Military Police was by far the larger and better established of the forces. It was reorganized in 1905 and over the next few years, amid constant complaints of a lack of personnel and low salaries from its military commanders, would experience many reforms. The number of policemen was fixed in 1905 at 4,668 men but this quota was never reached. Military police officers journeyed to different parts of the country in an attempt to recruit new privates, receiving a bounty of 5\$000 per head for each recruit; but the expeditions were not very successful. In the following years the fixed quota of men was reduced, but was still never achieved; all of which reveals the difficulties experienced in recruiting for the military police.<sup>52</sup>

The portrait we have of the Military Police in the early twentieth century is contradictory. Although they always complained about low pay and outdated arms,

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<sup>51</sup> They were regulated by orders of the Chief of Police in 19 April 1907. Relatório, 1907, p.59.

<sup>52</sup> In 1909, the budget expected to pay for 3,616 privates. In 1911, the new organization fixed its number in 177 officers and 3659 privates. História da Polícia Militar do Distrito Federal Desde a Época de sua Fundação. Rio de Janeiro, Typ. da Polícia Militar, 1925, vol.2, pp. 193 and 236. The public officials explained the lack of interest in a police career through the low salaries and tough conditions of work. It must not be forgotten, also, that the military police was hated by most of the population of the city.

resources were available for a series of attempts to modernize the force. New barracks<sup>53</sup> and police posts were built throughout the city, and many developments associated with modern policing were introduced. The car was rapidly taken up by the police, with numbers rising from 10 motor cars in 1908 to 28 in 1911.<sup>54</sup> Modernization was expressed in the many pieces of equipment bought in other countries; in 1905 a network of police call boxes bought in the United States, which were expected to spread across the city to a possible number of 500, began to be established. They were announced as a replacement for the fallible systems of controlling patrolmen, and while the boxes were being built, supervizing officers were issued with a ticket punch with which to mark cards carried by the patrolling privates. The establishment of these boxes however was much slower than intended; by 1908 there were only 89 boxes.

Many other attempts at modernizing the force were made. From Europe, the commanders chose to import trained dogs, a cinema and four thousand watches. Many courses were offered to improve the training of the officers. When a new commander in 1909 decided to make cuts, he made gifts of the remaining dogs as they were considered too expensive (most of those originally acquired in 1907 had died), and fired the French veterinary, the instructors of fencing and Swedish gymnastics, and an Italian who was

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<sup>53</sup> The new barracks illustrate the dispute between the Chief of Police and the Military Police. The former complained in his report of 1908: 'It is deplorable that the plan of building large barracks had been followed by the current government, when the district stations could have been done with much less expense, including posts for the military police.' Relatório, 1908, p.15.

<sup>54</sup> In 1908 they were listed as one Double Phaeton, one ambulance and eight transports for troops. They had also sixty six animal traction vehicles. In 1911, the number of animal traction vehicles was eighty two. História da Polícia Militar do Distrito Federal Desde a Época de sua Fundação. Rio de Janeiro, Typ. da Polícia Militar, 1925, pp. 189 and 236.

experimenting with the growth of alfalfa on police properties.<sup>55</sup> But the trend for 'modernising' the military police continued, and in 1911 a class in French was offered, preparing for the official creation, few months later, of the Service of Interpreters, one of the Brazilian versions of the Parisian *agents Berlitz*.<sup>56</sup>

These modernizing efforts of the military police were an effort to emulate the newly created Civil Guard.<sup>57</sup> This new force had been devised to replace the military police in the central areas of the city and to present a police image in keeping with the renovated city centre. It was also an attempt to create a force under the control of the Chief of Police, avoiding the conflicts of this civilian authority with the army commanders of the military police.<sup>58</sup>

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<sup>55</sup> Idem, p.201. The new commander, Gen. Taumaturgo de Azevedo, considered it more important to enforce punctuality, by buying watches for the force. The official police history notes that 156 arrived damaged, and since they had been paid in advance, the force had to bear the loss.

<sup>56</sup> The policemen would wear a ribbon in the arm, with the colours of the country of which he spoke the language. They were supposed to be able to give directions, theatre prices, and exchange rates. The official history, written in the 1920s, regrets that such an useful service had been abandoned. An earlier attempt had been made during the International Exhibition of 1908. On the Parisian creation see Jean-Marc Berlière, Le Préfet Lépine. Vers la Naissance de la Police Moderne. Paris, Denoel, 1993, p. 112.

<sup>57</sup> The Civil Guard was created by the decree 4762 of 5 February 1903. It took some time before starting to work and, due to the lack of funds, in 1907, counted only 600 of the 1500 men it was supposed to have.

<sup>58</sup> Alfredo Pinto was a critic of the military model of policing:

The military police is indeed necessary but should limit its action of repression and surveillance to exceptional cases. Its structure must be that of a true Republican Guard because the army's discipline and organization are not compatible with the social function of policing.

Alfredo Pinto took over a Civil Guard composed of 600 men; he was intent on expanding it to the planned 1500, and of making it the show-case of preventive policing in the city. The guards wore shining new uniforms, were transported in motor vehicles, supervised by *fiscáis* on new bicycles, and were posted to patrol the city centre and the more important buildings. In his first report, Pinto claimed that the guard had acquired popular support and was "commendable for its moderation, intelligence and efficacy". Although we are not able to evaluate how the lower groups reacted to the new force, it indeed received support from a variety of sources concerned with the modernization of the city. The poet Olavo Bilac, one of the main voices of the elite, showed his admiration in the press:

It is always dangerous to praise the police. First because as soon as they see themselves praised and supported they take the opportunity to commit the wildest acts. Second because there are so many people on their pay-rolls, and they are considered to reward so generously for services, that anyone willing to applaud them becomes afraid of acquiring a bad reputation.

But sometimes it is worth taking a chance. And I must confess that when I compare the police service nowadays with the former times I find the same difference existing between the new Avenida Central and the old Beco dos Ferreiros.

I saw, the day before yesterday, passing in the Avenida, the new bus bought for the transport of the Civil Guard. New and dashing, shining in the pomp of its new varnishes and polished metalwork, it was crowded with guards. The guards also were in keeping with the luxury of the vehicle: uniformed, gloved, gaitered, clean, smart and sprightly. Had Petronius seen them, he could say as Tacitus said of him: *`erudito luxu, elegantiae arbiter...'*

...

In this time of hypercivilization, when all sorts of thieves and rogues are no longer old rotten tramps but present themselves as the best gentlemen, it would be unfair not to provide a police on

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He went on to suggest a reduction in the Military Police, allowing for an increase in the personnel of the Civil Guard, Corps of Agents and Inspectorate of Vehicles. Relatório, 1908, p.XI.

the same level, so ... (how would we say nowadays?) so *smart*, so *dernier bateau*, so *up to date* as they are.<sup>59</sup>

The same impression was given in magazines, especially those with cartoons. At the same time as they focused on the image of the Chief Alfredo Pinto. With his name meaning 'chick' and his dark glassed *pince-nez*, they compared the old and the new policemen. The new civil guard asked: "Ain't I like a smart cop from 'urope?" and the military policeman replied: "As for me, I'm the same old, ragged, uniformed rascal". Apart from the visual impact of the new force, it successfully passed comparison when it acted together with the Military Police. When the city rioted against alterations in the tram schedules, in January 1909, both forces went on patrol attempting to calm the situation. The reports in the *Jornal do Comércio* suggest the good work by the civil guard:

The Civil Guard, numerous and discreet, impeded the violence; they jumped in the trams with the assailants and, through words and good manners, did not allow the people to derail the trams.

Their good work was spoiled by the arrival of the Military Police who resorted to cavalry charges and "savage scenes of beating the people".<sup>60</sup>

The more positive character of the Civil Guard brought forward more recruits and it was only held back due to the financial restrictions. Pinto's demand for a larger force was partly successful, but instead of the 1500 men of the original law, he only had 1000 by 1908. This permitted him to enlarge the city areas patrolled by the Civil Guard,<sup>61</sup> but since

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<sup>59</sup> The Latin, English and French were in italics in the original. Published in the *Gazeta de Notícias*, 10/11/1907, and reproduced in the *Boletim Policial*, 7 (1), November 1907, pp.15-17.

<sup>60</sup> *Jornal do Comércio*, 12/1/1909. The next day, one of the main demands of the rioters was the punishment of a Military Police officer held responsible for the violence. At the same time the newspaper emphasised the shootings by the military police.

<sup>61</sup> In 1908 there were Civil Guard forces patrolling the following districts: 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 14 and 15.

## Os mantenedores da ordem



O Civil - Pareço um sordado das Oropia.  
O Policia - E eu? Eu sou o cabra veio largado o capoeira de farda.

### THE LAW ENFORCERS

The civil guard: Ain't I like a smart cop from 'urope?

The military policeman: As for me, I'm the same old, ragged uniformed rascal.

## Habitos novos

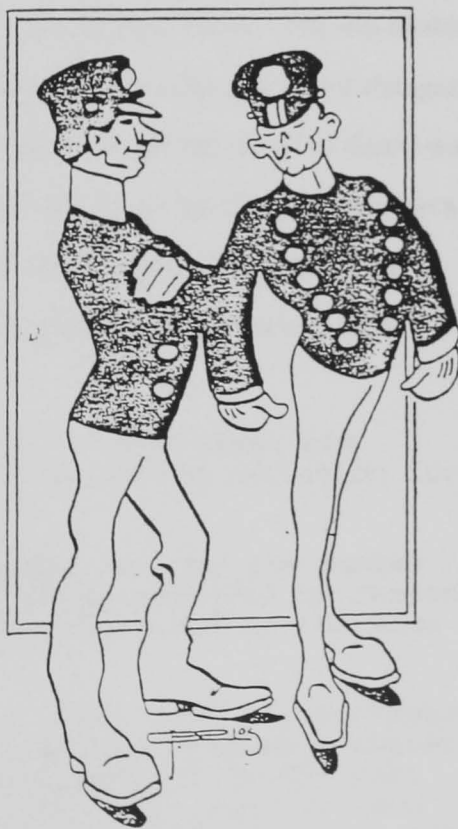


O Guarda civil ao gatuno - Queira V. Exa. acompanhar-me á delegacia!

### NEW CUSTOMS

The civil guard to the thief: Would your excellency care to follow me to the station?

## Entre guardas civis



### BETWEEN CIVIL GUARDS

The first civil guard: Ain't we beautiful?

The second: But with this heat is hell to be upitedetes [sic]

O primeiro: - Nois estemos bonitos.  
O segundo - Mais co'esse calô é uma desgraça  
é upitedetes.



this was not considered enough, he was forced to increase the number of reserve guardsmen to a hundred men. These reserve guardsmen were men waiting for a post, who had already started working, purchasing a uniform, but without the benefit of a salary. Their number would grow steadily, reaching a force of 900 men in 1911. From 1912, a small payment was provided but the size of the reserve force was irregular, and eventually their number fell back to a limit of no more than ten percent of the force. Undoubtedly many vacancies appeared - at least in the early days - because the number of exclusions from the force was quite high: 137 in 1907 and 122 in 1908;<sup>62</sup> this number was to fall, and when the number of reserves reached its peak, in 1911, there were only 82 exclusions. The number would continue to fall, and between 15 November 1926 and 31 January 1929 the Civil Guard excluded 151 men, including reserves, but only 41 for reasons of discipline.<sup>63</sup>

The immediate success of the Civil Guard was not enough to guarantee its future. When the modernizing impetus of the beginning of the century faded, the Civil Guard was faced with the reality of a more powerful brother - the Military Police - and was unable to expand. The effectives remained limited to its thousand men, with only minor changes. Although those linked with the Civil Police continued to stress that the Civil Guard was the proper patrol force of the city, they were never successful, and the Chief of Police in his report of 1926 complained about the abandonment of the Guard, which had faced reductions in the budget of 1921, and was again threatened with further cuts in the

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<sup>62</sup> Alfredo Pinto, in his report, made clear his principles: rigorous selection and immediate exclusion for faults. Relatório, 1907, p.64.

<sup>63</sup> The difference is even bigger because the number presented for 1907/08 is only for those excluded by reasons of discipline. In 1911, only 33 were excluded by the same reasons.

It is not possible to have a clear view of who these civil guards were. The little information available concern the 1312 candidates who presented themselves in the year 1911. They were almost all Brazilian (98%), aged between 21 and 30 (74%). Whites were represented by 73%, with 24% pardos and 4% blacks.

proposed budget for 1927. The threats did not materialize but the Guard was to experience a change in its development through the appointment of a military officer to its highest post - Inspector. He criticised the lack of hierarchical structure, and began the movement by which the guard adapted itself to a military structure.

### **e) The emergence of detective policing**

While the Military Police and the Civil Guard patrolled the city, the Corps of Investigation took responsibility for what is one of the most sensitive problems of modern policing: the plain-clothes man in detective work. The figure of the police detective precedes our period of interest. It originated in 1892, and was one of the aspects of policing that underwent reforms in 1907.<sup>64</sup> The new police law created the Corps of Investigation composed of 80 agents under the supervision of one Inspector, subordinated to the Chief of Police. The agents had authority over all the territory of the Federal District, and could even leave it on missions authorized by the Inspector.

The Corps was divided in three sections, the first in charge of investigations and the surveillance of hotels, rooming houses, restaurants etc. The second dealt with prevention, and surveyed theatres, gardens, public buildings and public gatherings such as meetings or parties. The third cooperated with the policing of the port, checking suspicious travellers. From the outset the Inspector considered that he was understaffed and in his first report asked for 150 agents.

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<sup>64</sup> The agents created in 1892 soon had to be abandoned due to budgetary restrictions, and the use of plain-clothes men passed to the Chief of Police, financed by the secret funds at his disposal. See the report of the Inspector in the Annaes da Conferência Judiciário-Policial Convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal. Rio de Janeiro, Imprensa Nacional, 1918, vol. 1, pp. 45-60.

In fact, the reform of the plain-clothes division began even before the new organization was established. The new Inspector who took over with Alfredo Pinto, in November 1906, immediately expelled thirteen agents. When legal reform came in the following April he excluded eleven more, replacing 30% of the staff. He described what he had found:

It is not possible to hide the bad impression I got when I assumed my functions. The branch was without direction because the former chief had abandoned the post.

The staff, with rare exceptions, came from a past with nothing to be proud of.

The population was *horrified* when it was said that the protection of their rights was entrusted to the 'secret police'

...

All this was recognized by the former Chief of Police, Dr. Cardoso de Castro who referred to the Corps in his report of 1904 in these terms: 'Our police agent is the classical type of the clumsy and ill prepared official, compromising everything, discrediting the administration, making brute force and bad manners his best characteristic, and thus giving the false idea of a sort of blackguard, always trusted with sinister missions'<sup>65</sup>

As with the Civil Guard, the new administration was keen to build a new image for the agents, and the inspector crammed his reports with all sorts of praise sent by public officials or published in the press. But the development of the branch was not like that of the Civil Guard. The attempt to change the image of the agent failed, and the need for further reform was acknowledged from the 1910s. On the other hand, it was successful in superseding the numbers it wanted, and it was to achieve great importance from the early 1920s, when political policing became a necessity.

The service was first reformed in 1915, when it became an Inspectorate. When the Inspector reported on the conditions of his work to the *Conferência Judiciária-Policial* in

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<sup>65</sup> Relatório do Inspetor do Corpo de Investigação, annex to Relatório, 1907, p.3.

1917, he had circumvented the restriction of having only eighty agents by counting ninety two 'associated men', and thirty civil guards acting as agents.<sup>66</sup> A more official structure was given by the decree 14079 of 25 February 1920, which raised the legal status of the Inspectorate, and gave it a staff of 225 investigadores. When President Bernardes assumed power on 15 November 1922, a short time after the first wave of military rebellions,<sup>67</sup> he quickly made a small but significant reform in the police; it was only the second decree he signed. He allowed a military officer to hold the post of Chief of Police - the same Marshal Carneiro da Fontoura who was commander of Rio de Janeiro' military region and who acted promptly to smother the rebellion in July - and changed the Inspetoria de Investigação e Segurança Pública into a new 4th Delegacia Auxiliar, making the former Inspector one of the direct assistants to the Chief of Police. Unlike the other three delegados auxiliares who had to be lawyers, the 4th Delegado could be selected - and indeed he was - from among the military police officers, a practice that came from the Inspetoria. Well into the 1930s, the name of the 4th Delegado was to be a synonym for political repression.<sup>68</sup>

By the end of Bernardes government, the situation in Rio had calmed down and an attempt was made to change police practices. In April 1926, Marshal Carneiro da Fontoura was replaced as Chief of Police by Carlos da Silva Costa, an experienced public prosecutor,

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<sup>66</sup> Annaes da Conferência Judiciário-Policial Convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal. Rio de Janeiro, Imprensa Nacional, 1918, vol. 1, pp. 45-60.

<sup>67</sup> The first direct cause of military agitation were letters attributed to the then candidate Bernardes that appeared in the press, with terms offensive to the military leadership.

<sup>68</sup> On the police of the early thirties, see Michael L. Conniff, Urban Politics in Brazil. The Rise of Populism, 1925-1945. Pittsburgh, University of Pittsburgh Press, 1981, pp. 138-142.

who had nine months, until the investiture of a new president, to try to enforce reforms.<sup>69</sup> He appointed as head of the 4th Delegacia a military police officer, who worked to reduce the excessively political character of the department. Lieutenant-Colonel Bandeira de Melo criticised the mixing of political and criminal investigation, pointing out that in moments of political crisis the work of criminal investigation took second place:

Political policing among us caused an almost complete paralysis of truly investigative work, and had the effect of relaxing discipline... And the political work has not benefited from the employment of police agents since they lack the connections to infiltrate the circles in which attempts against the public powers are planned; thus their work is as useless as it is tough and risky. As far as I know, in this city, no conspiracy has ever been discovered by an official agent.<sup>70</sup>

In six months he dismissed 33 agents for disciplinary reasons, and was happy to announce a percentage of 44% of criminal cases solved and the recovery of 33% of the valuables stolen, believing that the 4th *Delegacia* had returned to ordinary police work. But efforts to return to 'ordinary' policing were limited, and the 4th *Delegacia Auxiliar* kept its political character. The military disturbances disappeared, but a new Communist Party had been founded in 1922 and was growing among the working class. Communism and the events of the 1930s would reenforce the perceived need for political police.

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These forces were responsible for the policing of the city. Sometimes they worked in cooperation, sometimes they clashed and argued about powers and privileges. The perceived problems of the police and the ways they dealt with them are the subject of the next chapter.

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<sup>69</sup> Silva Costa had been the Criminal Prosecutor who had dropped the charges against the rebel sergeants of 1915, criticizing the police for acting as *agents provocateurs*. Edgar Carone, A República Velha. São Paulo, Difel, 1977, p.321.

<sup>70</sup> Relatório, 1926, pp.71-73.

## **CHAPTER II**

### **ORDER IN THE CITY: A VIEW FROM THE TOP**

#### **a) 'Lies, damn lies, and statistics'**

Most studies of the police have been based mainly on the official reports of police commanders and the statistical material produced by the state. This sort of source has been subjected to enormous criticism, and its recent use, although widespread, always comes preceded by cautionary advice. Part of the problem, at least, derives from what is expected from these sources, as they are supposed either to reflect or to create the real conditions of police operation. These sources can be used very fruitfully to show how the police administrators and the elites they represented perceived reality. In this chapter I intend to use the official reports and statistics as a way of assessing what the men leading the police forces considered to be their main tasks, providing clues to the establishment of policies, but without suggesting that these reports and statistics had any close relationship with the

actual problems faced by the city.<sup>1</sup> I have decided to use the broad and deliberately vague concept of urban problems instead of using terms such as crime or offences, in order to encompass all the policing aspects in the administration of urban life. A perceived problem might sometimes result in its criminalization, but other forms of control of such practices could also be developed.

Before considering the material, two questions must be addressed: first, it is necessary to seek an initial evaluation of what sort of impact the views of the higher ranks of the police - which in the Brazilian case were generated within the ruling elite that provided the higher ranks of the police force - had over actual policing; second, it must be asked whether their views were a result of the statistical evidence they gathered or, on the contrary, were the force behind the production of these statistics.

The answer to the first question will largely depend on the degree of institutionalisation of the police force under investigation. Some recent studies of the English police have emphasised the power of the Chief Constables, but this power is largely perceived against external pressures rather than for enforce measures through the police ranks.<sup>2</sup> As long as Rio's police was not structured as a career, control of the

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<sup>1</sup> In dealing with public order, it is quite common to find that the definition of a 'problem' varies widely in different social groups. But beyond the matter of definition, there exists, from the administration's point of view, a problem of evaluating how disturbing the current amount of a particular kind of behaviour might be. Vagrancy for example, faces a diverging definition across the social spectrum, and can be more or less tolerable according to other circumstances. Rather than a vagrancy threat being generated by an increase of actual vagrancy, in most cases it is the increase of recorded vagrancy that reflects a perceived threat.

<sup>2</sup> The main reference for the Chief Constables is Robert Reiner, The Chief Constables: Bobbies, Bosses or Bureaucrats? Oxford, Oxford University Press, 1991; for the historical relationship between Chief Constables and Watch Committees see Mike Brogden, The Police: Autonomy and Consent. London, Academic Press, 1982.

policemen by the administration was easier, but done through criteria other than operational. The appointments were due to the networks of patronage in society and the policemen were answerable to those networks. When the police became more institutionalised it probably developed ways of working which often evaded the control of state authorities - which I am sure has always been a strong wish of many policemen - although most of the time the police has to recognise the presence of state controls and follow their instructions. This can be especially noticed in the repression of public order offences; police had to abide by the elite's wishes to prosecute vagrancy or gambling but, once the pressure was withdrawn, the prosecutions fell. Dealing with the elites' fears was part of the police task, and in the case of gambling it is noticeable that repression was not part of daily policy, enforced by the patrolmen, but seasonal moves lead by the *delegados* or *comissários* in order to arrest a few gamblers for the records.

This leads us to the second question: a larger part of official statistics than is usually acknowledged was a result of elite concerns rather than a source from which elite intellectuals could locate the real causes of disorder and crime.<sup>3</sup> They were able to find in the statistics the vagrants, drunkards and foreigners that reinforced their fears, while practically ignoring other features such as the great incidence of assaults that, from a strictly quantitative point of view, should have been addressed as one of the main problems of the city. The threats located in criminal statistics by the late nineteenth century were much the same in various part of the world; to a large extent the Brazilian intellectuals who

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<sup>3</sup> The extreme situation is what Stanley Cohen called 'moral panics', but the police is constantly dealing - and sometimes generating - petty forms of panic. See Stanley Cohen, Folk Devils and Moral Panics. The Creation of the Mods and Rockers. Oxford, Martin Robertson, 1980. Its impact on criminal statistics and perceptions of crime in Britain of the 1860s is the subject of Jennifer Davis, 'The London Garrotting Panic of 1862: a Moral Panic and the Creation of a Criminal Class in mid-Victorian England'. V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds.), Crime and the Law: The Social History of Crime in Western Europe since 1500. London, Europa, 1980.



were faced with the task of explaining deviance followed the tendencies of their European counterparts, and relied mostly upon statistical material collected in European cities. The criminal problem, as it was presented by the positivist criminology of the late nineteenth century, was a result of biological and social constraints that were found everywhere, and showed the same characteristics.<sup>4</sup> Considering that concerns largely preceded the statistical findings, I will analyse in the following sections first the reports of the Chief of Police and then the official criminal statistics.

## **b) The Reports**

Two sets of reports have been selected, those from 1907 to 1913 and those from 1926 to 1929. The main reason for this choice is that these were the reports published in their entirety, allowing a broad view of the thinking of police administration.<sup>5</sup> They cover the initial moment after the main reorganization of the police, and the final moment of the Brazilian Old Republic, when - despite the crisis of the political system - the police reached a condition very close to what might be considered a professional force. The reports for the early years were the most thorough ever produced by the police authorities, they used the reports to express their great concern with the institutionalisation of the force and the discussion of the problems found in the urban environment were only of secondary

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<sup>4</sup> Local concerns could underline one point or another but the basic research framework was similar and interchangeable. Brazilian circumstances, for example, allowed for the emphasis in researching racial crime by Nina Rodrigues; but his results were intended to be valid for any nation facing the same racial structure. An introduction to European studies of crime in the late Nineteenth Century is Robert A. Nye, 'Heredity or Milieu: The Foundation of Modern European Criminological Theory', *Isis*, 67 (1976), pp.335-355. See also Ruth Harris, Murders and Madness. Medicine, Law and Society in the Fin de Siècle. Oxford, Clarendon Press, 1989; and Daniel Pick, The Faces of Degeneration. A European Disorder, c. 1848 - c. 1918. Cambridge, Cambridge University Press, 1989.

<sup>5</sup> The full reference for the reports will be included in the bibliography. In this chapter I will quote them only as Relatório, and the year it refers to.

importance. In the later reports, in contrast, the role of the police in maintaining public order becomes the central point. During the 1910s there was a marked change in priorities, mainly due to the greater institutionalisation of the civilian police force, reinforced during the long administration of Aurelino Leal.<sup>6</sup> There was also a change in the pattern of concern over order maintenance, because the immigration flow was ceasing and the city developed clearer routines of behaviour in the redesigned urban space. Instead of the earlier concerns about vagrants and abandoned minors, the 1920s saw the growth of police control of traffic; public entertainment was now represented by theatre and cinema rather than by public gatherings during religious festivities; drug consumption and the fear of communism among the working force also appeared as important police matters. If there was a police concern that covered the whole period, it was the control of gambling and prostitution.

Two main points may be selected from the early reports concerning the resources available to the police: a contradictory assessment of what the police's tasks should be, and a plea for specialisation. These points were mixed with more pervasive arguments such as the insufficiency of numbers and salaries, things commonly found in police reports. Besides the varied tasks ascribed to the police by the law, they had also to provide assistance and transportation to the victims of accidents or to sick persons in the streets, and to certify deaths which occurred in the absence of a doctor, services which the city administration was reluctant to assume. The tasks of transportation were performed by a private company, under contract to the police which was a permanent source of complaints. The function of enforcing public order also compelled the Chief of Police to get involved

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<sup>6</sup> Contrary to the usual pattern of short terms in office, Leal stayed for five years. Although his reports were not published, his views on policing can be found in his book Polícia e Poder de Polícia. Rio de Janeiro, Imprensa Nacional, 1918, and in the annals of the conference he organised on police and justice in 1917. Annaes da Conferência Judiciária-Policial. Rio de Janeiro, Imprensa Nacional, 1918.

in providing public - and even private - assistance to beggars, vagrants and abandoned children.

This broad range of tasks provoked a contradictory response in police administrators. At certain moments the police would seek greater support, especially from the city administration, in performing its tasks, suggesting that specific police services could be better provided if some jobs were taken out of their hands. Providing medical assistance for those in need and certifying deaths were such matters; and the Chief usually complained that the city should perform these duties. It was also suggested that the provision of places for minors and vagrants would be better attended to if transferred to the city and to private charities.

But there were limits to the police desire to transfer tasks. Giving up responsibilities could cause complaints about how the task was performed by other agencies over which the police had no control at all. The Hospice for beggars had been transferred to the city in 1892 and the Chiefs kept complaining that the city failed to provide the necessary places. To some extent, this was the same complaint as that made about the services of the military police, which had an independent command.

Other cases relate to the policing of the port. The police zealously performed the task of preventing undesirable foreigners from landing; according to the reports these included vagrants, pimps, Gypsies, anarchists or handicapped persons. The *Inspetoria do Porto* was the oldest of the police special agencies and was always a focus of special concern for the authorities; the *Corpo de Investigação* - the detective section - had a branch of 20 agents to help the policing of the port, and in 1919 a private police similar to the

night watches was created to help policing the district.<sup>7</sup> The problem was that if the refused immigrant moved to another port, such as Santos, the other main port in Brazil (about 250 miles south) another police force became responsible. There was no national police force, and the criteria might change. Pimps were commonly acknowledged as always moving between the ports of Brazil and Argentina in order to avoid police prosecution. Suggestions for a national police to control the borders were made<sup>8</sup> but had to wait until after our period to become reality because it would affect not only the police of Rio but also the government and the police of the individual states.<sup>9</sup>

If the idea of abandoning some of their tasks brought difficulties for police administrators, they also proposed changes in the opposite direction. It was argued that the interests of law and order had contacts with almost all points of urban administration and therefore the police should have power to intervene, acting as a *de facto* mayor of the city.

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<sup>7</sup> This police followed the pattern of the night watches that existed in the city parishes but, unlike the night watches, it was praised by police authorities. We have to look carefully at these eulogies, however, since the guard was reformed in 1926 under the direction of the future Chief of Police, Coriolano de Góes, and bought a boat that was named after him.

<sup>8</sup> See Relatório, 1912, p. XLIII, and Relatório, 1926, p.X. The number of persons prevented from disembarking in the port of Rio by police orders was high, but statistics - as usual - are imprecise. In 1912 they seem to have been 481, including 132 thieves, 257 pimps, 19 anarchists and 23 Gypsies. For 1913 a total number is provided of 1356. The statistics for the late 1920s are more precise: 494 in 1927, 553 in 1928, and 516 in 1929

<sup>9</sup> Controlling a police force was a valuable asset for state rulers, either to deal with internal opposition or to resist the federal government. By the 1920s the more powerful states had a better trained and equipped police than the national army. There are few studies on the state police forces; for São Paulo see Heloísa Rodrigues Fernandes, Política e Segurança: Força Pública do Estado de São Paulo: Fundamentos Histórico-sociais. São Paulo, Alfa-Omega, 1974; and for Minas Gerais see Sheila Brandão Baggio, "A Força Pública de Minas na Primeira República". Revista Brasileira de Estudos Políticos, (49), 1979, pp. 201-232.

Instead of giving up responsibilities, the police should acquire more, to control all aspects of urban life. This sort of nostalgia for the early police role, however, was more the expression of wishful thinking rather than a goal the administration could hope to achieve. The part played by the police in running the city was very limited, and the usual attitude was to complain about lack of support.

These two contradictory trends were balanced in police reports, and to some extent in police acts. In 1922, the more technical agencies controlled by the Chief of Police, the *Gabinete de Identificação* and the *Serviço Médico Legal*, became independent in response to demands of their professionals. The police responded by organising its own medical service. A new reform was called for in the report of 1927, and, in 1928, the old order was restored, returning those agencies to the control of the Chief of Police.

Together with the discussion of the tasks to be performed by the police, there was a debate on the best ways of performing them, following a pattern of creating more specialised agencies. Agencies capable of providing scientific support - such as the *Gabinete de Identificação* and the *Serviço Médico Legal* - received considerable emphasis, while the common policemen were given improved training in new schools, and assigned to special divisions created to deal with specific problems.

The *Gabinete* was created in 1903 but did not become effective until 1907. It collected the statistics of the police and did fingerprint identification of criminals for the archives. It was also entitled to provide voluntary civil identification, issuing identity cards, which soon became a requirement for joining the police and other public services.<sup>10</sup> The *Gabinete* also published the monthly Boletim Policial, with information of interest to the policemen, keeping the Biblioteca Policial, and exchanging information, according to the

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<sup>10</sup> The police attempted to create a system of identification for domestic servants, but this system failed to win public support and only one servant was identified in the first year of work.

existing agreements - in 1907 - with Austria-Hungary, Argentina, Uruguay, Chile, Paraguay, and others with whom further agreements might be signed; officially, such agreements had to exclude any form of political reports.<sup>11</sup>

The *Serviço Médico Legal* originated in the medical section of the police, established under the monarchy. By the law of 1907 it became an autonomous organ in the Secretariat of police. The importance assigned to the service can be seen in the thorough instructions of the duties they were to perform and how to perform them, which occupied the largest part of a law supposed to reorganize the whole police service.

These two services attracted considerable attention from the elites, mixing police work and science in a way which had become fashionable by the late nineteenth century. Afrânio Peixoto, a doctor also known as writer and socialite was appointed to head the *Serviço Médico*. The *Gabinete* was first directed by Félix Pacheco, journalist and poet, who would later follow a career in politics, followed by Elísio de Carvalho, who had formerly

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<sup>11</sup> The official attitude to political information and labour organizations, especially anarchism, moved clearly from a stated neutrality in the first decade of the century to a stiffer repressive position in the late 1910s, when strikes in Rio reached a peak. The change of position is clear when we compare the Brazilian attitudes in the South American conferences on policing held in 1905 and 1920. Conferencia Internacional Sudamericana de Policía. Argentina - Bolivia - Brasil - Chile - Paraguai - Perú - Uruguay. Convenio y Actas. Buenos Aires, Imp. de José Tragant, 1920.

flirted with anarchism, and who wrote books on the *salons* of Rio<sup>12</sup>. This connection with the intellectual elite was favoured in the beginning of the century by the new scientific character of police work revealed both in literature and criminology<sup>13</sup>; but by the 1920s the glamour had somehow vanished and this helps to explain the attempt to make the scientific branches independent of the police.<sup>14</sup>

In 1912, the police agents saw the creation of a training school. They had already been organised into specialised groups, to deal with the perceived problems of the city. The 80 agents from the *Corpo de Investigação e Segurança Pública* [CISP] were divided into

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<sup>12</sup> The varied career of Elysio calls for a study of its own. A first but incomplete effort is Moacir Medeiros de Santana, Elysio de Carvalho, um Militante do Anarquismo. Maceió, Arquivo Público de Alagoas, 1982. Elysio published various conferences on scientific policing, and one book of collected short works entitled Sherlock Holmes no Brasil. Rio de Janeiro, Casa A. Moura, [1913?]. The 'Sherlock Holmes' of the title was professor R. A. Reiss, head of the police laboratory at Lausanne University. It is also interesting to notice that the same intellectuals involved with policing are studied in Jeffrey Needell's book about Rio's elite, A Tropical Belle Epoque. Elite Culture and Society in Turn-of-the-century Rio de Janeiro. Cambridge, Cambridge University Press, 1987.

<sup>13</sup> The intellectual orientation of the services is shown in the description of the new offices of the *Serviço Médico*, in the report of the Chief for 1907: "In the room of the Director, sternly furnished but with plenty of comfort, there are the statistical maps of the service and shelves containing a numerous stock of books on the subject, well aligned and bound in scarlet, reaching more than 500. The collection is rich in all the treatises and classic books on legal medicine, psychiatry, criminology, chemistry, toxicology and related sciences; in French, English, German, Italian, Portuguese and Spanish...". The intellectual mixture of criminology and literature of those libraries appears in the invoice of a bookseller listing the books bought by the *Serviço Médico Legal*, which included volumes of the French collection *Maitres de l'amour* such as *Dangerous Liaisons*, the works of Crebillon Fils and the *Oeuvre des Conteurs Français*, together with books on medicine, the penal codes of Paraguay and Portugal, and books on religion and witchcraft. AN, Box 5F234.

<sup>14</sup> The doctors of the *Instituto Médico Legal* resisted their return to the control of the police.

three groups, one to deal with the port - as noted above - with 20 agents; one for preventive policing, with 25 agents; and one for investigation and to keep track of known criminals, with 35 agents. The CISP was regarded as a step in the improvement of the police agent, usually seen as a "street type, without any merit or education".<sup>15</sup>

Analysing the work of the CISP in 1911, the Chief of Police Belisário Távora set the pattern for its reform. The first point was to create a school for detectives - American style - where they could learn notions of law, investigative methods, scientific signalling, judicial photography, the arts of disguise and self defence. The new agents were to be divided into classes, with 30 first class, 50 second class and 120 auxiliary men, well paid, and appointed only after passing the school exams. These agents were to be divided in eight branches:

- 1) Office
- 2) General Surveillance branch, to prevent crimes
- 3) Social Order branch, to protect individual rights and political order (Title I to IV of the Penal Code)
- 4) Fraud and Embezzlement branch (Title VI of Penal Code)
- 5) Personal Security branch, protecting the person, honour and life (Title VIII and XI of Penal Code)
- 6) Theft and Robbery branch, protecting public and private property, and dealing with property crimes with violence (Title XII and XIII)
- 7) Judicial branch to enforce arrest warrants issued by judges or by the Chief of Police and his *delegados*
- 8) Special branch to do extraordinary work for the Chief of Police.

This proposal can be seen as the basis for the reorganization of the CISP in 1920 into the *Inspetoria de Investigação e Segurança Pública*, with branches similar to those proposed, forming the origin of the 4th *Delegacia Auxiliar* finally created in 1922.

Although structural reform occupies the core of the Chiefs' reports, this cannot be interpreted as a consequence of a lack of concern over public order. The intensive reforms of the police system followed the growing fears of disorder in the city. The years of the

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<sup>15</sup> Relatório, 1907, p. XIV



Pinto administration were characterised by the active presence of the police controlling urban behaviour, disciplining the public demeanour of the poor. Arrests for vagrancy were at a peak, threatening all those found idling in the streets, especially those who decided that it was too late to return to a distant home and went to sleep in a nice shadowy corner on a warm night. The deep concern over charitable institutions also expressed the perception of a city encumbered with a vast army of undesirable poor which assumed its most threatening character in the figure of the foreigner.

From the first report by Alfredo Pinto we can see the concern about the presence of foreigners in the criminal statistics. He quoted the figures from 1905 to 1907 to illustrate how dangerous foreigners were to the peaceful *Carioca* society, and hailed the new law authorising their expulsion. The law was put to good use in its first year but soon proved insufficient for police purposes, due to the restrictions of expelling people married to Brazilians or with more than two years residence. From the report of 1908 onwards, Pinto started calling for the tightening of the legislation.<sup>16</sup> The threat to public order posed by the foreigner diminished through the 1910s, becoming more restricted to the foreign anarchist and pimp, but the cases of expulsion continued, with ups and downs provoked by changes in policy, throughout the period.

Foreigners were only part of the problem when related to the broader question of how to deal with the problems of homeless and unemployed. The rapid growth of the city and the housing demolition to provide for the renovation of the centre had only increased a

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<sup>16</sup> The cases of expulsion under the 1907 law of foreigners involved in pimping are studied by Lenah Medeiros de Menezes, Os Estrangeiros e o Comércio do Prazer nas Ruas do Rio (1890-1930). Rio de Janeiro, Arquivo Nacional, 1992, and cases concerning anarchists by Sheldon Leslie Maram, Anarquistas, Imigrantes e o Movimento Operário Brasileiro, 1890-1920. Rio de Janeiro, Paz e Terra, 1979.

long standing problem.<sup>17</sup> Vagrancy and begging became very visible problems, and the Chief of Police was faced with having to find a way of removing them from the central areas of the city. He sought to differentiate between those truly in need and those unwilling to work, to provide assistance for the first and punishment for the latter. From a legal point of view, both attitudes ended in failure. Article 399 of the Penal Code prescribed a sentence of 15 to 30 days in prison for those without proper means or employment, followed by the requirement of getting employment in fifteen days after release. Minors between 14 and 21 could be kept in industrial establishments until their 21st birthday. Cases of recidivism were punished with one to three years in a penal colony 'on an island or at the borders of the country' unless the offender were a foreigner, who was to be deported. In the case of Rio sentence would be served in the Correctional Colony of Dois Rios, in the *Ilha Grande* [Big Island], where a prison still exists.

Vagrancy arrests soared in the statistics after 1907, but in reality convictions did not increase at the same pace. This does not imply that police measures had no impact on vagrancy and behaviour considered as such, but part of the effect was certainly blurred by what police administrators considered the excessive leniency of the courts, aggravated by a constant distrust in the use of policemen as witnesses. Moves by the Chief of Police to create special courts to deal with misdemeanours in a more expeditious way failed completely, and judicial thought moved in quite the opposite direction, making it even

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<sup>17</sup> The problem of vagrants in Brazil began during the colonial period, when free poor looked for opportunitities in the highly hierarchized society that evolved around the gold mines. See Laura de Mello e Souza, Desclassificados do Ouro: A Pobreza Mineira no Século XVIII. Rio de Janeiro, Graal, 1986.

harder to obtain a conviction in vagrancy cases.<sup>18</sup> We can observe from the police records that the use of vagrancy charges shifted from the cases of idleness in the streets to arrests for petty theft, or to those grounded in suspicion which would be difficult to prove, but where the police wanted the arrest to lead to some form of official punishment.<sup>19</sup>

Those considered unable to work were to be sent to one of the city hospices but they greatly outnumbered the available places. The police tried to curb street begging but the task was probably far beyond its capacity. Begging, according to the Penal Code, constituted a crime wherever hospices were available but there was still a problem because,

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<sup>18</sup> The repression of vagrants deserves a study of its own. The tendency of the courts to acquit is noticed in Rio by Marcelo Badaró Mattos, 'Contravenções no Rio de Janeiro do Início do século', Revista do Rio de Janeiro-UERJ, (1) 1, 1993, pp.16-23, and in São Paulo, for the same period, by Boris Fausto, Crime e Cotidiano: A Criminalidade em São Paulo (1880-1924). São Paulo, Brasiliense, 1984. The progressive trend in law to make convictions for vagrancy more difficult is well represented by Evaristo de Moraes, Ensaio de Patologia Social. Rio de Janeiro, Leite Ribeiro, 1921. The first signs of a more limited definition of vagrancy by judges appeared at the end of the first decade of the century, as in this decision of the Judge of 3rd Criminal Court in 1909: 'The simple fact of not having a profession or means to make a living constitutes vagrancy, but is not enough to make it into an offense. The law against vagrancy is designed to repress the *willing adoption* of a socially dangerous way of living (Garraud, Tr. de Droit Penal, n. 1459, vol. 4). It is therefore essential to verify if the situation results from the free and conscious will of the agent, as only then it will constitute an offense.' Quoted in Galdino Siqueira, Direito Penal Brasileiro. Rio de Janeiro, Jacintho Ribeiro dos Santos, 1924, p.926.

<sup>19</sup> Dario Vieira da Rocha, alias Bahianinho, braz.[ilian], 17, pardo, illiterate and Nicanor Antonio de Souza, braz., 18, pardo, literate, both without work, were caught stealing clothes from a backyard and prosecuted as vagrants. Honório Ribeiro, braz., 29, white, single, illiterate, became suspect because he was carrying some wet clothes at 2:40 am. He was also prosecuted as a vagrant. Ocorrências, 5th DP, 02/08/1921 and 18/07/1921. This resource was already in use during the nineteenth century, according to Thomas H. Holloway, Policing Rio de Janeiro. Repression and Resistance in a 19th-Century City. Stanford, Stanford University Press, 1993, pp. 130 and 211.

although these institutions were available, they had no room. The Chief of Police attempted to create a colony of free workers together with the penal colony at *Ilha Grande*.<sup>20</sup> It was supposed to receive those willing to work and live there. Apparently it attracted a few unemployed who voluntarily applied to be carried to the colony but it soon faced problems when the free workers found out that it was quite simple to obtain a place but rather more difficult to leave the colony when they wished. In 1910 the Chief of Police received only one applicant willing to be a free worker, and the idea was abandoned.<sup>21</sup>

The move against beggars and vagrants was part of a more general attempt to enforce order in the city. In different degrees this also affected gambling, prostitution and the social events which attracted large groups of people, notably carnival. The official reports do not go very deeply into the actions of the police, rather they stress that they had successfully avoided the disturbances which characterised such festivities. Through the press we can see the work of the Chief of Police, issuing special orders for maintaining

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<sup>20</sup> It is clear how assistance and repression were mixed up: free workers were sent to the Correctional Colony; the school for abandoned children was directed by the head of the House of Detention.

<sup>21</sup> The Correctional Colony as a whole faced a crisis in 1910-11, with replacements in the administration and official inquiries into it. The use of the free workers colony, and its problems, continued; in January 1916 the Chief of Policing was giving information to courts about free workers who were asking for writs of habeas corpus to allow them to return to Rio. The police sent to the Colony 19 convicted, 2 minors and 110 other persons on 6 January. Writs of habeas corpus appeared immediately, and some of them had to be returned two days later. Arquivo Nacional, IJ6 888.

order during the carnival, and the praise of his prompt action in arresting all the unruly.<sup>22</sup> But even the newspapers could not understand decisions such as forbidding people from dressing up as Indians during the festivities.

Tough public order measures were not confined to the festive periods. During the rest of the year the press commented on other measures, such as the unofficial curfew for women after 10 p.m. A cartoon in Fon-Fon pictured the Chief of Police as 'the midnight ghost' scaring all women off the streets: 'After 10 I don't want to see any *skirt* in the streets'.<sup>23</sup> The concern about public behaviour were at a peak during Pinto's administration and were not as important in later years. The 1910s saw the emergence of organised labour creating a different sort of problem, while the life of the urban poor adapted to more acceptable behaviour.

In the reports of the 1920s, which started independent publication in 1926, the entire order of subjects was changed. Now the reports started with the main problems acknowledged by the Chief of Police. The first report begins with a discussion of the traffic problem. The subject was only noticed in the reports of the earlier period - most subjects are not altogether new in the 1920s but presented in a different manner - through complaints about the lack of resources for the *Inspetoria de Veículos*. Motor vehicles were taking their toll in the accidents in the streets of Rio, restricted by the natural topography and in its major part still following the colonial design. In 1909, motor cars had been

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<sup>22</sup> The Jornal do Comércio of 16/2/1909 informed the arrest of 138 men in the Avenida Central, for 'daringly and inconveniently' mocking ladies or rubbing their hands in the street. The newspaper noted that some would be freed because they were 'working people who only by force of habit had committed the regrettable excesses'; the others would be prosecuted, and the measures had to be praised for their future results. For the general circular of police instructions for the carnival of 1909, see Jornal do Comércio, 17/02/1909; and for the arrest of the known troublemakers, 18/02/1909.

<sup>23</sup> Fon-Fon, 5, 11/5/1907.

responsible for less than 10% of the victims of accidents in the streets. This number would rapidly grow to more than 30% in 1913, when it reached the peak of 65 deaths and 927 injuries caused by cars (the total number of victims of accidents this year was 273 deaths and 2,226 injuries).

#### Deaths and Injuries in Accidents

	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918
Deaths by Accidents	246		287	296	273	n/a	241	223	253	152
Deaths by Car	14		19	48	65	n/a	41	25	42	26
Injuries by Accident	2019		2324	2549	2226	n/a	1808	1738	1880	1571
Injuries by Car	141		437	750	927	n/a	545	531	627	536

The problem grew in the 1920s, with the increase in the number of motor vehicles, which now amounted to more than half the new vehicles registered by the police. One source reports 9,500 cars in Rio in 1925.<sup>24</sup> In 1927, the police registered 20,621 vehicles, including 12,755 automobiles; in 1928 there were 23,558 vehicles with 15,502 automobiles and, in 1929, 25,485 vehicles and 17,013 motor vehicles including for the first time, 328 buses. These vehicles together with the 4,969 cars registered in other places that applied to run in the city, created many problems for law enforcement; in the same year there were 48,811 fines, raising 1.751:776\$000 for the police.

Besides the traffic problem the attention of the reports focused on subjects that would strengthen police control over victimless crimes and control the social factors that might cause crime. The victimless crimes known as *contravenções* appeared as a concern of the Chiefs in the earliest reports. In the beginning of the century, a strict control of vagrants, beggars and gambling houses was expected to diminish the police problems. In the 1920s the problems of vagrancy and begging were reduced, even though arrest for

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<sup>24</sup> Armin K. Ludwig, Brazil: A Handbook of Historical Statistics. Boston, G. K. Hall & Co., 1985, p.253.

vagrancy remained one of the most useful resources of the police. Gambling and prostitution were viewed as the main problems. The report of 1926 states that it was the failure to fight gambling which led to the dismissal of the former Chief of Police.

The newly appointed Chief, Silva Costa, reinforced a campaign against the gambling houses and the widespread animals game [*jogo do bicho*]. The repressive action was headed by the 2nd *Delegado Auxiliar*, and boasted, at the end of the year, 515 arrests, including 10 minors, that resulted in 343 trials (we do not know the results of those trials). In the next year, another Chief would stress the need for better legislation against gambling - including any form of lottery,<sup>25</sup> considered an official stimulus for illegal games - and kept the campaign alive, with 578 prosecutions.<sup>26</sup> In 1928 he listed 553 prosecutions<sup>27</sup> involving 776 defendants, and a reduction in the number of gambling houses from 446 in 1926 to only 51. There was a further reduction to 27 houses in 1929.

The fight against gambling had been hampered by legal action to protect the houses. The main case in the 1920s originated from an action by the owners of the Casino de Copacabana. This Casino benefited from a law of 1920, that granted permission for

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<sup>25</sup> The same problem had already been pointed out in the report of 1907: "Gambling has not been ended, and certainly I did not think it possible to suppress it in the present situation, with lotteries acting as an official roulette, and without the proper legislative measures frequently suggested and asked for." (*Relatório*, 1908, p. 46). Reports and interviews of the *delegado* in charge of gambling are printed in Astolfo Rezende, *Relatórios Policiais, 1907-1910*. Rio de Janeiro, Casa Vallelle, 1925.

<sup>26</sup> There were many complaints of violence in the repression of gambling. Against them, the Chief would show the bravery of policemen when fighting dangerous gamblers, noting the murder of *investigador* Sebastião Cordoval da Silva and the stabbing of *delegado* Manoel de Freitas Cesar Garcez in 10/3/26.

<sup>27</sup> According to the report of 1929, there were 615 prosecutions in 1928; this difference seems to be due to the absence of the prosecutions made by local *delegados* in the report of 1928.

operating gambling houses in tourist districts. Even though the law was changed in 1921, restricting the authorisation to inland places, the Casino claimed it had a legal contract with the government and had a right to operate granted by the courts in 1924. This judicial litigation continued until 1928, when the Supreme Court supported the police and cancelled the permit. But the police would not wait for the final decision; in February 1928, six months before the ruling of the Court, it arrested the manager and the cashier of the Casino, starting procedures to have them expelled from the country. Even so, in 1929, the Chief of Police still complained that 3 houses operated games supported by judicial orders. The campaign against gambling was supported, from 1928, by a special archive with files of prosecuted gamblers, with their photographs, fingerprints and criminal records. It ended that year with 800 records.

The next problem to be discussed in the reports was the fight against drug dealing and consumption. This was indeed a new matter, since the earlier reports were concerned only with drunkenness, and the legislation prohibiting the use of drugs appeared only in 1921 (decree 4294, 6/7/21).<sup>28</sup> According to the report of 1926, it was a very serious problem: "Cocaine and the like are causing such a devastation in Rio that it cannot be disguised even from those unacquainted with the circles that provide patients for the city's asylums and hospitals" (p.25). The Chief of Police organised a commission to draw a new law regulating the commerce and consumption of drugs, and empowered the *delegado* of the 30th District to act against drugs throughout the city. The year 1926 saw 15

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<sup>28</sup> In the 1910s, cocaine appears in police records linked to suicides, especially of prostitutes. See for example Ocorrências, 13th DP, 26/3/1913, when the prostitute Alice de Carvalho, white, Brazilian, 17, attempted suicide in her residence at the rooming house at rua da Lapa 46 by ingesting four bottles of cocaine [sic] she bought in a neighbouring chemist.



prosecutions for drug selling and the forced internment of 31 users.<sup>29</sup> The Chief announced that he was also beginning to confine alcohol addicts. In the next three years, the districts reported the detention for alcohol abuse of 1517, 1309 and 1290 persons respectively.

Under the same process of creating new laws to improve police work, the police forwarded to the Chamber of Deputies in 1926 a project to regulate the ownership of, and trade in weapons. Like other laws drafted in the same year, this one had not been voted by 1930. The subject did not appear in the next reports but, in 1929, the Chief of Police came back to the point to show how the work had developed. He had created, in 1926, the Section for surveillance of explosives, guns and ammunition in the 4th *Delegacia Auxiliar*. This had increasingly prosecuted for use of weapons. In contrast with the 2 prosecutions of 1925, there were 56 cases in 1926; 154 in 1927; 495 in 1928, and 438 in 1929. The Chief noted that he was not happy with the reduction of the last year and had told the *delegados*;

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<sup>29</sup> The internments for drug use were as follows:

	1926	1927		1928		1929	
		m	w	m	w	m	w
alcohol	-	342	4	346	50	363	111
opium	1	14	-	17	3	14	7
cocaine	7	13	15	6	8	8	-
ether	2	3	2	-	1	4	1
luminal		-	-	1	-	3	-
morphine	2	6	2	-	-	-	1
heroin	1	3	1	-	-	-	1

In 1926 there were 18 defined as "addicted and sick for observation". The same report does not discriminate gender for each type of drug, stating only that there were 20 men and 11 women.

he was happy to report that in the four first months of 1930 there had already been 330 prosecutions.<sup>30</sup>

Another new feature of the 1920s was the censorship of entertainment, organised by Decree 16590 of 1924. From January to October 1926 the police examined 1,030 films, censoring 3 and ordering the removal of 375 metres from other films. It also examined 257 plays and 129 songs. The police started the registration of artists, to prevent persons of doubtful character calling themselves such; 627 artists were registered. A new feature was added in the next year, when the Chief of Police pointed out the need to be particularly careful watching for communist propaganda in films and plays. Only 130 of the 274 plays (205 Brazilian and 69 foreign) presented to the police censors came out untouched. Films did better; three were prohibited - two as dangerous to the public order and one for offending the Mexican republic - among the 1582 analysed. 1,906,437 metres of film were watched of which 1,024 were suppressed. The theatre clearly felt the pressure to avoid undesired themes and in 1928 the number of foreign plays increased to 116 while Brazilian works fell to 189; and the censors modified only 103. Only one German movie was prohibited, while 75 of the 1603 films received the new restriction of "prohibited to minors".<sup>31</sup>

Some changes in police priorities occurred in November 1926, with a change in both government and Chief of Police. The impact was not very significant since the new Chief was already part of the administration, heading the 3rd *Delegacia Auxiliar*. This was

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<sup>30</sup> One probable reason for the concern with explosives and arms control was as a consequence of the military agitation of the 1920s. The 19th DP, Méier, which was close to many military barracks, records various findings of explosives in 1927. Ocorrências, 19th DP, 7/9/1927, shows children looking for frogs and finding three objects that looked like dynamite bombs. See also 10/4 and 16/9/1927.

<sup>31</sup> The trend would continue in 1929 with only 80 of the 303 plays modified, while nine of the 1,545 films were prohibited, and 59 considered improper for minors.

probably the first time that a new Chief was appointed from the force itself. If the Chief of Police of 1926, Carlos da Silva Costa, did not consider prostitution and procuring as one of the main urban problems, his successor, Coriolano de Góes, was to act differently. He ressurected the reports written twenty years before by Alfredo Pinto to emphasise this great evil brought by the foreigners. But if earlier attention was directed mainly against the pimps, Coriolano slowly moved it to the prostitutes themselves. The law offered enough instruments to deal with pimping - this seems to be the only case where a Chief was happy with his legal instruments - through the Penal Code, and law 2992 of 1915 which strenghtened it, furthered by the clauses introduced in a law of repression of anarchists in 1921, that made pimping a crime without bail. In 1927 there were 51 *inquéritos* against 60 pimps; this declined in the next year to the same average of the years before, around 20.

Prostitution, not a crime in itself,<sup>32</sup> was thought to deserve more attention. According to Coriolano: "The most intelligent and practical idea is to restrict it to less populated areas, well away from concentrations of families, commerce, entertainment and intense traffic". He acted on this idea. 130 houses "where procuring was practised and where rapes, deflorations, adulteries and other attempts against the law were committed" were closed by the police. Prostitution was to be located in the 9th District, where 335 of the 683 brothels were located in 1926. This number remained fairly stable, declining to 311 in 1928, while the total number of prostitution houses in the city fell to 399. The cleaning up of the central areas was particularly apparent in the 12th District. It had 174 brothels in 1926, and only 44 two years later. The concern then changed to maintain surveillance of houses that might receive individuals other than recognised prostitutes; 26 houses were under surveillance in 1927 for this reason. But these numbers should be viewed with

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<sup>32</sup> Brazil is probably one of the few countries where prostitution has never been officially regulated. But even without a proper criminal statute against prostitutes, the law that reorganized the police in 1907 listed among the functions of the Chief of Police 'to repress the scandalous prostitution'. This causes some confusion, and Samuel Adamo, for example, calls prostitution a crime throughout his work.

caution; the numbers in 1929 increased significantly to 445 houses, 325 of them in the 9th District and 71 in the 12th.

The statistics also permitted identification of prostitutes working in the city. The strictest control was in the 9th District, where the Chief could identify the prostitutes working in 1927 as 1,663, of whom 891 were Brazilians; in 1929 there were 1,737 prostitutes, of whom 1,117 were Brazilians.<sup>33</sup> It is interesting to notice that the Brazilian prostitutes were far more concentrated, with 79% in the 9th District and 15% in the 12th, while the foreigners made up 76% in the 9th and 6% in the 12th Districts. Foreigners also outnumbered the Brazilians in the 5th, 6th, and 13th Districts.<sup>34</sup>

The final issue which recurred in the reports of the 1920s was political policing. The city had been shaken by military rebellions in 1922, and the whole nation followed the march of military rebels through the countryside from 1924 to 1926. The city remained in state of siege and the Chief of Police was an army officer. Unfortunately, we do not have his reports. The nomination of Silva Costa at the beginning of 1926 seems to have been an

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<sup>33</sup> Among the foreigners, the greatest number were the Polish (famous as the *polacas*), followed by Russian and French women. Their number was diminishing however since the great days of the traffic of white women to South America had gone earlier in the century. About white slavery see Margareth Rago, Os Prazeres da Noite, São Paulo, Paz e Terra, 1992.

<sup>34</sup> Since the 13th District was part of our sample, the presence of foreign prostitutes might appear overstressed below, in chapter VI.

attempt to restore the usual role of the police. He was a public prosecutor and acted - during his brief stay - mainly to create new legal instruments and set new priorities.<sup>35</sup>

The role of political policing was conferred on the 4th *Delegacia Auxiliar*, created on the eve of the rebellions in 1922, heir of the old *Corpo de Investigação*. Silva Costa appointed a military police officer to head this department, who worked against the excessive political character of the department.

When Coriolano de Góes assumed the post of Chief, the change of government and the end of siege were pointing to a further normalisation of the police work. He started freeing those arrested without prosecution under the siege laws, including 356 persons - "mostly dangerous individuals, with the worst criminal past" - in the Colony of Dois Rios and 161 in the military prison of Ilha das Cobras. He did not mention the number of those deported to the north of the country, now allowed to return, he only mentioned that there were hundreds. But at the same time he used the 4th *Delegacia* to work on the emerging fear of communism.

He replaced the *Delegado Auxiliar* and reported - for the first time - the work of the Branch for Political and Social Order of the 4th *Delegacia*. During the years 1927 and 1928, this branch had opened files on 2,249 political and social matters; 1,231 recreational societies and 144 class associations. It also organised, in 1927, files on 220 places trading in explosives, guns and ammunition. It had made 1,750 arrests (92 in 1928), policed 125

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<sup>35</sup> The relationship between political crisis and policing is not clear. Apparently, in Rio, political policing provoked a reduction in the police work. Lyman Johnson uses a contrary argument in Buenos Aires, explaining an increase in misdemeanours arrests in the early 1910s as due to political disorder. The source of political threats may explain the difference. Lyman L. Johnson, 'Changing Arrest Patterns in Three Argentine Cities. Buenos Aires, Santa Fe, and Tucuman, 1900-1930'. In Lyman L. Johnson, The Problem of Order in Changing Societies. Essays on Crime and Policing in Argentina and Uruguay, Albuquerque, University of New Mexico Press, 1990, p. 124.

"failed strikes", 195 conferences, 160 meetings and conducted 461 secret surveillance actions. The branch would disappear again in the report of 1929. Another important role performed by the 4th *Delegacia* was preparing the expulsion of foreigners. It had prepared 97 cases in 1927, 91 in 1928 and 53 in 1929.

When the political system known as *República Velha* crumbled at the end of 1930, the police of Rio, under Coriolano de Góes, looked good as a bureaucratic organization. It could present statistics of prosecutions - for crimes and misdemeanours - that had increased from the 4,759 of 1925 to the impressive number of 12,727 in 1928. Assault was still the main crime, reaching 4,967 (39% of all prosecutions) in this last year, more than the total of offences prosecuted in the whole of 1925. It was followed by theft, with 1,444 cases (11%), and vagrancy, 1,323 cases (10%). Once more we must call attention to how misleading the figures can be; the specialised group on vagrancy of the 4th *Delegacia* was responsible for 168 of those prosecutions for vagrancy, but to arrive at this number it arrested 1,523 persons. Vagrancy was a very useful excuse for arresting people in the streets.

Certainly the revolutionary process would foster some changes but most of the patterns of work created in those years were to remain untouched. It was a time for developing a career in the police, and increasing the development of the 4th *Delegacia* and its political activities. If Rio's police is to be qualified as a professional body, this was the moment of professionalization.

It is difficult to access how far this process of institutionalisation influenced the work of the policemen. It certainly created a different type of policeman, the agent from the specialised branch, who enjoyed considerable freedom in his work. In so doing, it reduced the burden of repressive campaigns from the *delegados* and their men in the districts, who had been traditionally forced to show results in areas focused on by the mood of the Chief. They now had more time- and less control - for dealing with their daily calls,

for administrative police work and for providing the common enforcement perceived and required by the citizen callers. The bulk of police work remained in the district police stations; in 1929 they were responsible for 8,566 indictments, against 2,695 originating from the 4 *delegacias auxiliares* and two special *delegados* (one for drugs and the other for vagrancy). Their arrests were even more significant; they made 15,913 'correctional' arrests while the other divisions arrested only 2,852.

### c) The Official Statistics

The reports played an important role in the statistics produced by the police. As noted above, the concerns expressed in the reports found their way into the statistics, at least as much as those statistics helped to consolidate the worries that generated the reports. The reliability of our data is particularly doubtful, and even those in charge of the statistical bureau were soon pointing to some important errors.<sup>36</sup> In spite of such difficulties, we must attempt to evaluate what sort of criminal problems were faced by the police of Rio. The main set of available statistics was produced between 1908 and 1918, when intellectuals were in charge of the *Gabinete de Identificação e Estatística* and tried to create the instruments for a scientific approach to criminal policy. These series are the most complete available, and have been used before by Samuel Adamo - but only for the period between 1908 and 1915 - who tried to describe the relationship between crime and race.<sup>37</sup> Adamo compared this data with that from the 1940s, which seems too distant for accurate

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<sup>36</sup> The head of the cabinet of statistics pointed out that they forgot in the first three years to count the crimes investigated by the *delegados auxiliares*. That the task of organising the statistics was not an easy one can be readily perceived through a quick look at the charts organised by the stations which still exist in the National Archives; the listing of weapons employed for example includes 'dog's teeth' - in cases of dogbites - and 'virile membrum' in cases of defloration... See Arquivo Nacional box 6J71.

<sup>37</sup> Although it is possible, it does not seem probable that further volumes were published after 1918. Like Adamo, I have used the collection of Biblioteca Nacional, in Rio, where the volume of 1914 is missing.

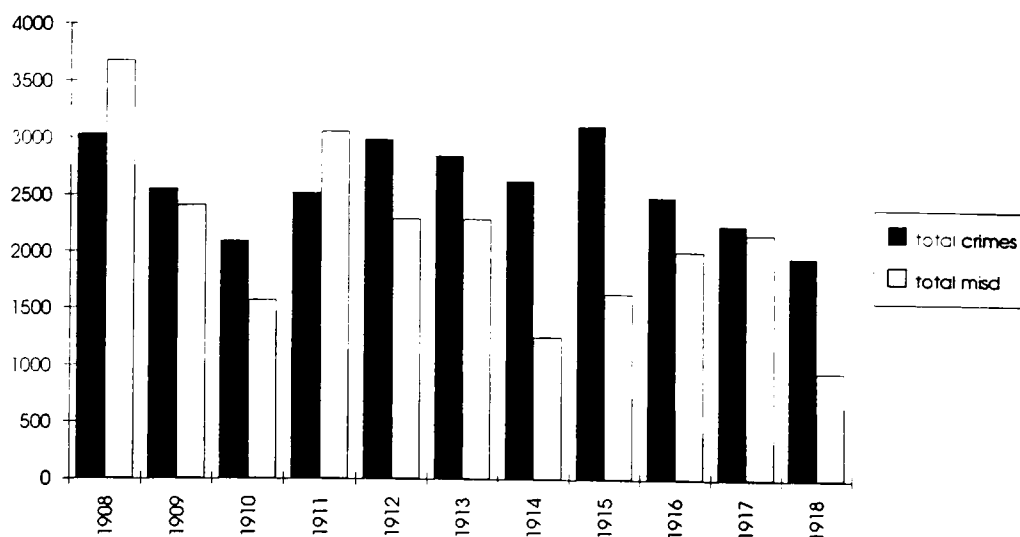
conclusions. For the purposes of our research, we will use the statistics provided in the reports of the Chief of Police for the years 1925-1929, although the data presented is much more concise, since it presents only the number of offences prosecuted.

The use of statistical data permits a glance at two important questions related to our study: the nature of the offences pursued by the police and the profile of those most commonly associated with such offences.

The general pattern of the statistics was presented in two separate categories, crimes and misdemeanours, the second comprising what is usually referred as public order offences or victimless crimes, with vagrancy as by far the main charge. Such offences varied much more sharply than crimes since they were especially dependent on police prosecution. The changes, easily perceived in chart I, do not reflect actual increases or reductions in misdemeanours but rather changes in public policy. The fluctuation of the years 1910-1912, for example, is largely due to the repression of gambling that increased from 37 cases in 1910 to 950 in 1911, and fell again in the next year to 85 (see chart III, at the end of the chapter). The number of cases of vagrancy prosecuted increased between 1911 and 1912 but had no effect on the total number (chart IV). In contrast, from 1912 to 1913 the total misdemeanours remained exactly the same, but once again this is due to internal changes: while vagrancy fell by 20%, gambling increased five times. As a general trend, despite short term changes, it is apparent that there was a tendency to concentrate the prosecutions in these two categories, vagrancy and gambling, with charges as drunkenness, disorder or *capoeira* almost disappearing. The permanence of the two offences may be explained by the continuation of concern about gambling while vagrancy survived as a catch-all charge, employed when nothing better could be proved.



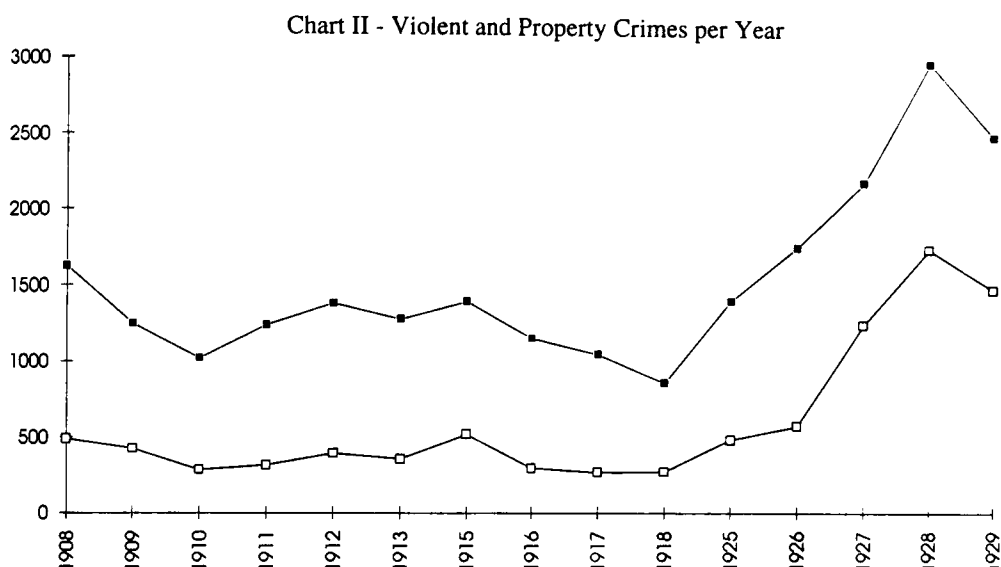
Chart I - Crimes and Misdemeanours, 1908-1918



The image of misdemeanours offered by the statistics must be compared with their presence in other stages of the criminal justice system. As we will show later, the presence of such offences in daily police work appears to be much bigger than in the statistics. The control of urban behaviour was frequently effected only through police activity, without recourse to criminal procedures; for example, the special force in charge of vagrancy reported in 1928 that 472 arrests produced only 61 prosecutions. A night in jail or in some cases systematic harassment through continual arrest could act as a powerful deterrent, without the need for prosecution involving judges who were frequently keen to exculpate those accused of vagrancy. The pleas of the Chief of Police for special courts to deal with misdemeanours were never successful, and the number of acquittals seems to have been very high. In one of the few extant examples, the 4a *Pretoria* [4th Criminal Court] during

the year 1916 reported the trial of 204 cases of vagrancy but pronounced only 41 convictions.<sup>38</sup>

The statistical material on criminal offences must be taken - at least at first glance - as more stable than those on misdemeanours. It would be difficult to locate changes such as those found in gambling prosecutions, and if we split the data into violent crimes and property crimes, it is noticeable that both follow the same trends in their fluctuation:



The first noticeable characteristic is that violent crimes represent the greater proportion of crimes in Rio, mainly through cases of assault which constituted more than a third of annual crimes (chart V below).<sup>39</sup> This feature does not simply represent a survival of traditional traits in a Rio still unaffected by modernisation, especially when we see that

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<sup>38</sup> Jornal do Comércio, 10/1/1917. A sample of misdemeanour cases for the years 1900, 1904 and 1908 by Marcelo Badaró Matos, op. cit., found a slightly higher, but still small conviction rate. He points to a rise in the conviction rate during the first decade of the century but, even if this was real, it does not seem to have been maintained through the 1910s.

<sup>39</sup> I am using crime here in the same sense as the statistics, separate from misdemeanours.

nineteenth-century data provided by Thomas Holloway seems to indicate the contrary. Crime in Rio - at least in the statistics - seems to have moved in the late nineteenth century from property to violent crime.<sup>40</sup> One possible explanation would be an increase in the recording of crimes of violence against blacks, formerly part of the routine of slavery. But such an hypothesis would need to acknowledge a willingness on the part of the police to pursue violence against the blacks, and this seems unlikely. Unfortunately, where we have extensive data on crime and criminals, information on victims is negligible. Even in the police daily records, information on victims is extremely limited, the usual procedure being only to record their names and addresses. If we follow contemporary concerns about immigrants, these offer another ethnic explanation: the increase in the number of immigrants from Mediterranean societies - the relevant figures have come from Portugal, Spain and Italy - could have led to an increase in disputes resulting in assaults.<sup>41</sup> Another possible explanation would be an increase in the thoroughness of police officials in recording minor incidents formerly ignored. This bureaucratic change seems reasonable after the reforms described above, and it might have had a stronger effect on violence rather than property partly because minor violent conflicts could more easily provide an offender for prosecution than cases of petty theft. Better recording should not have had the effect of raising the rates of unsolved crime.

The large number of minor assault cases in the statistics indicate that such small offences did not go unprosecuted. The courts probably received a large number of cases

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<sup>40</sup> Holloway opted to work with scattered indicators instead of building series of statistics. Crimes against property surpasses crimes against person in the data from 1862 and 1875, but not in 1865. In all the cases the proportions are very close. See Thomas Holloway, *op. cit.*, pp. 214 and 259.

<sup>41</sup> The statistics cast some doubts over this hypothesis. Most of the homicides are committed by Brazilians, and usually the same is true in cases of assault. The presence of foreigners is important in cases of injuries produced through carelessness, essentially driver's offences, indicating their massive presence as transport workers in the city.

under article 303 of the Penal Code, which punished assault with sentences of between three months and a year in prison.<sup>42</sup> These offenders, with their short sentences, probably constituted an important part of a fast-changing prison population. These numbers also raise the question as to whether Rio was a violent city, and if it was perceived as such. Historians have frequently used evidence on homicide as the most reliable of criminal statistics, providing a useful tool to compare levels of violence for different periods and regions. But homicide rates are only one index of some sorts of violent behaviour, and should be taken as of only limited value. If we look at the rates of homicide for our period, we find the following figures:

Homicide in Rio de Janeiro and rate per 100.000 inhabs.

	1908	1909	1910	1911	1912	1913	1915	1916	1917	1918
homicide	70	57	72	103	94	100	99	79	50	33
rate	8.14	6.45	7.96	11.09	9.85	10.22	9.64	7.51	4.65	3
	1925	1926	1927	1928	1929					
homicide	88	165	116	99	121					
rate	6.72	12.33	8.47	7.07	8.46					

Using the number of homicides acknowledged in the official statistics can illustrate how difficult it is to trust the figures. When the activities of the *Instituto Médico-Legal* were reported, the *Instituto* produced a table of autopsies performed in homicide cases. Most of the time the number of autopsies is slightly higher than the number of homicides but in 1911 they managed to perform fewer autopsies than the actual number of homicides, without any attempt made to explain the discrepancies.

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<sup>42</sup> Court statistics can only be found scattered in the press and using diverse criteria. For the year 1908, the 2a Pretoria [2nd Criminal Court] reported 86 cases of minor assault, with 107 accused. It was the second most frequent charge, after 146 cases of vagrancy. The 7a Pretoria reported 89 cases of minor assault and 73 of vagrancy. The variation may be accounted by the difference between the areas of the city covered by each court. For the year 1916, the 4a Pretoria produced 26 convictions and 39 acquittals under article 303. Once again, the main charge was vagrancy - article 399 - with 41 convictions and 163 acquittals. Jornal do Comércio, 9 and 13/2/1909 and 10/01/1917.

There are no useful comparative sets for Rio before the twentieth century, to enable one to verify whether the city followed the trend of declining violence which appears in Europe and North America. Besides, there is a marked variation during these few years, with a significant fall in 1917-18. If we compare the data cross-nationally, we do not find that Rio was an unusually violent place, the rates of homicide being roughly comparable with those of Buenos Aires.<sup>43</sup> The rates are also close to those of Rome in the same period, although they are notably higher than those of the more advanced cities of Europe, the London rate seldom reaching one homicide per 100,000.<sup>44</sup>

One of the questions that homicide statistics do not help to explain is the accessibility of the criminal justice system. The large number of petty cases of assault seems to indicate a willingness of the public to go to the courts looking for redress. But evidence drawn from the police records indicate that this was hardly the case, with many cases having to be dropped because victims refused to submit to medical examination or simply disappeared after giving wrong addresses.<sup>45</sup> This is most noticeable in cases of injuries caused by accidents, when victims frequently stated that they did not wish to proceed with criminal charges.<sup>46</sup>

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<sup>43</sup> Julia Kirk Blackwelder, 'Urbanization, Crime, and Policing: Buenos Aires, 1880-1914'. In Lyman L. Johnson, The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750-1940. Albuquerque, University of New Mexico Press, 1990, pp.65-88, esp. p.71.

<sup>44</sup> See data in Jonathan Bernard Lopian, Crime, Police and Punishment 1918-1929 Metropolitan Experiences, Perceptions and Policies. PhD dissertation, Cambridge, 1986, appendix VI.

<sup>45</sup> Certainly some of these cases may be attributed to police carelessness in producing the records or even wilfully making mistakes to protect offenders. But it seems significant that these victims could return on their own and in fact they do not appear again.

<sup>46</sup> Although this was not strictly legal, the duty to prosecute belonging to the state, the refusal of the victim to cooperate made it impossible to sustain the charges.

Public attitudes towards offences are very difficult to establish. Some authors have stressed a general sense of insecurity among the urban population in the early twentieth century, mainly located through the press. Eduardo Silva has pointed to a 'great fear' - borrowing Lefebvre's expression - in the streets of Rio. He found it in complaints brought to a newspaper by citizens, where concerns about public order were one of the main subjects. The plaintiffs, however, did not show any particular concern about property crime, at least expressed in his sources. The 'feeling of insecurity' which he found emerged from two concerns: the menacing idler, brawling in the streets, offending morals rather than posing actual physical threats and the police themselves, whose behaviour did appear to pose a physical threat.<sup>47</sup> Silva's findings draw attention to the images of disorder that existed in the city. The fear of the vagrant and the concern about order were not only a fantasy of the upper classes but reached various groups in society. At the same time as profoundly distrusting the police forces, they expected this same police to 'clean' the streets of such menacing figures.

The statistics of arrests can help us to identify who the police regarded as a menace to society. It should be noted however that the profile of the criminal that emerges through the criminal statistics will be clearer if we follow the original arrangement and split the results into those accused of criminal offences and those accused of misdemeanours. The misdemeanant, more obviously a product of police efforts, more clearly fits the image of the feared disrupting criminal that the newspaper readers and the elites complained about. The two groups of offenders will not always present the same images concerning the main categories of gender, nationality, race and age.

Samuel Adamo centred his argument on this data, indicating that non-whites were over represented among the criminalized groups of society. Although the core of his

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<sup>47</sup> See Eduardo Silva, As Queixas do Povo. Rio de Janeiro, Paz e Terra, 1988. The subject is discussed in the chapter 'Viver nas Ruas', pp. 105-123.

argument is certainly true, some further observations must be made. Using the statistics of crime, he noted that the percentage of non-whites - divided into blacks and mulattos<sup>48</sup> - was higher than their presence in society. However, this is not the case for the data on crime in the years after 1915 that he omitted from his study. In some respects the over representation is more striking, especially among the female misdemeanant. According to the statistics, women were clearly under represented, making up about 5% of the crime arrests, although they could reach 20% of the misdemeanour arrests, with more than 90% of them being charged with vagrancy (100% in 1912). This female vagrant was markedly national - about 95% - and non-white (68%). A surprisingly high proportion were classified as blacks (38.72%), much larger than their 14% share of the city population. This figure of the black female did not pose much of a threat to the law abiding citizens but their loitering in the streets at night suggested the unknown pitfalls of urban life, a world of immorality, disease and crime. We will return later to police attitudes towards women, where protection and repression were inextricably mixed.

Arrests for misdemeanour tended to reflect more closely the commonsense images of a criminal, including a still high presence of the non-white male, averaging 42%. That such an image is not immediately derived from serious offences can be perceived by comparison with the presence of non-whites among the criminal offenders. Here, their participation drops to 37% among women and 29% among men, which is only slightly higher than their percentage of the population. That also is a result of non-whites having a larger share of urban misery, forced to live, and make a living, in the streets. This made them more vulnerable to charges of vagrancy.

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<sup>48</sup> This division has been much questioned by race historians. I have tried to mention whenever possible an aggregate while still keeping the division, because I think the perception of a difference existed in the source, and perceptions are very important.

Among the male criminals, instead of the black vagrant, there appears the important image of the alien criminal. In his first report as Chief of Police, Alfredo Pinto had already presented the numbers of foreigners arrested for 1905-07 to suggest their disquieting presence.<sup>49</sup> The number of foreigners among male criminal offenders reached about 45% of the total number, with the Portuguese accounting for about a third of the total. Careful observation of the statistical material brings out more interesting details of the relationship between different offences and nationalities; embezzlement for example seemed markedly to be a crime committed by Portuguese. However, this can be partly attributed to other reasons. The number of foreigners, for example, involved in deaths or injuries caused by carelessness is high because they formed a very large proportion of the employees in transport, and these numbers represent an important part of the aggregate result (see chart VI and VII for deaths and injuries caused by carelessness).

The final element in the offenders' portrait is age. It is difficult to reach conclusions from the variations found (see chart VIII), but it is important to notice the higher presence of older groups - above forty - among the misdemeanants, while the under twenties predominate among criminal offenders. It seems reasonable to believe that age created more problems for people looking for employment, making them prey to those

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<sup>49</sup> Pinto's figures are presented here, separated, because they do not belong to the same series, and have to be taken carefully for comparison:

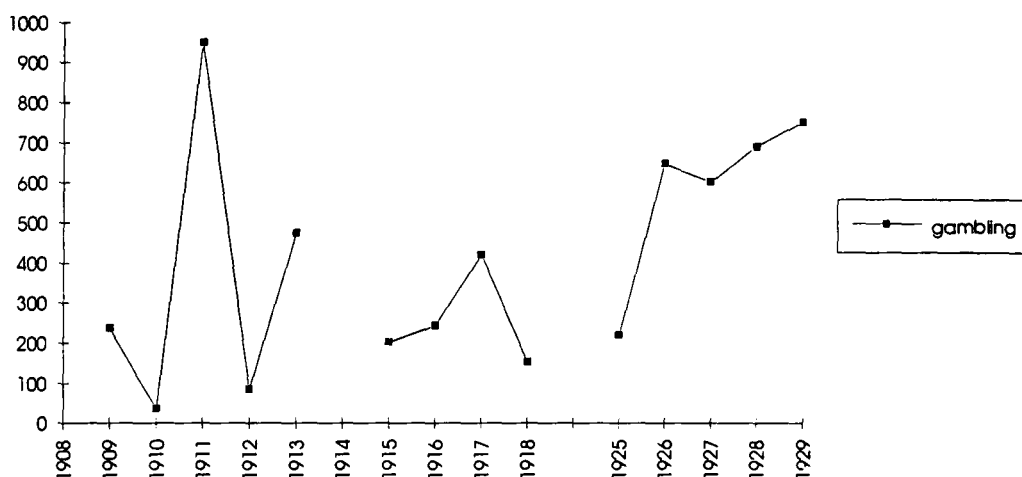
	crimes		misdemeanours	
	Braz.	Foreign	Braz.	Foreign
1905	587	510	1632	599
1906	716	575	1005	433
1907	875	782	2777	1187

See Relatório, 1907, p. XIII.



chasing vagrants.<sup>50</sup> On the contrary, those under twenty would be more difficult to fit into the profile of the vagrant unwilling to work, since they had barely reached their place in the work force. Even so, they still average about 10% of those prosecuted. From data taken from the station records, we are going to suggest in the next chapter that a change occurred in the age profile of those arrested. They became younger. We will analyse the statistics created from the police records, dealing with the same questions treated here, and comparing this new evidence with the official statistics.

Chart III- Gambling recorded per year



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<sup>50</sup> This is true only up to a certain point. Misdemeanour charges drop among those over fifty, probably more visibly unable to work and deserving of charity.

Chart IV - Vagrancy recorded per year

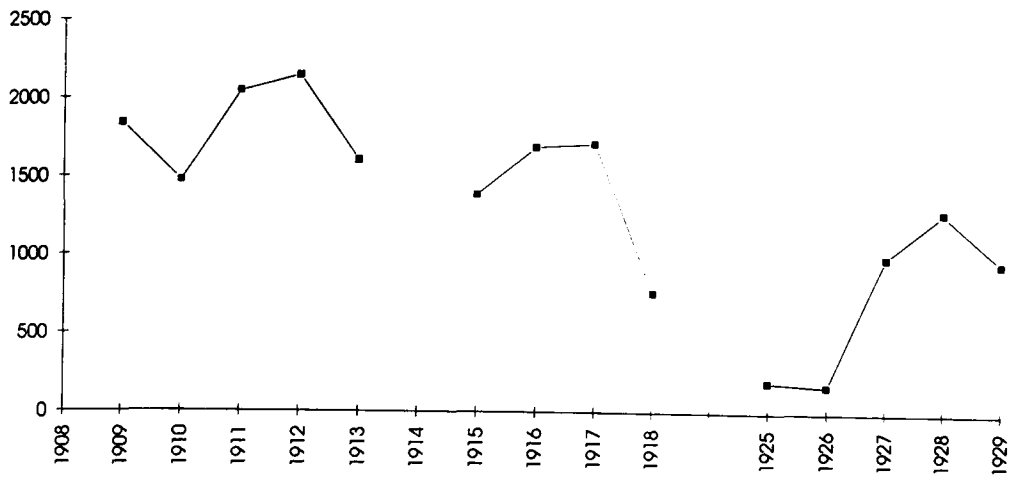


Chart V - Minor assaults recorded per year

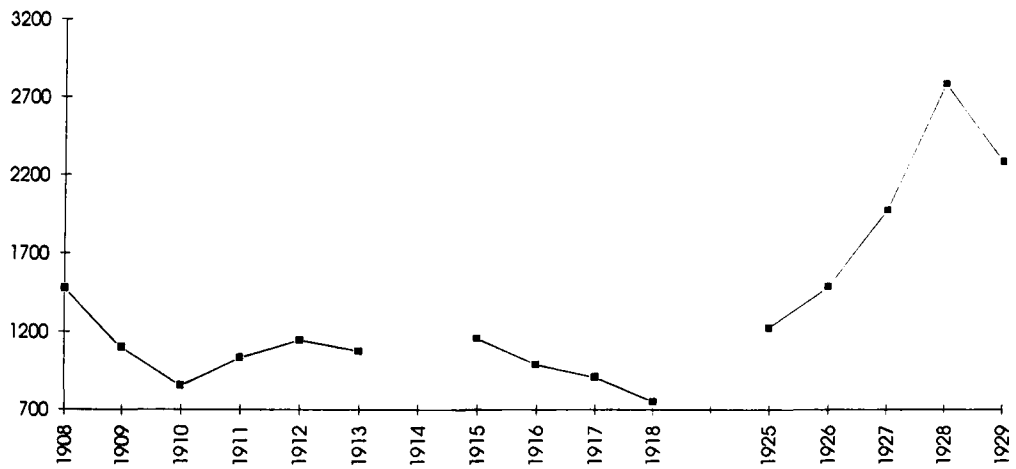


Chart VI - Deaths by carelessness recorded per year

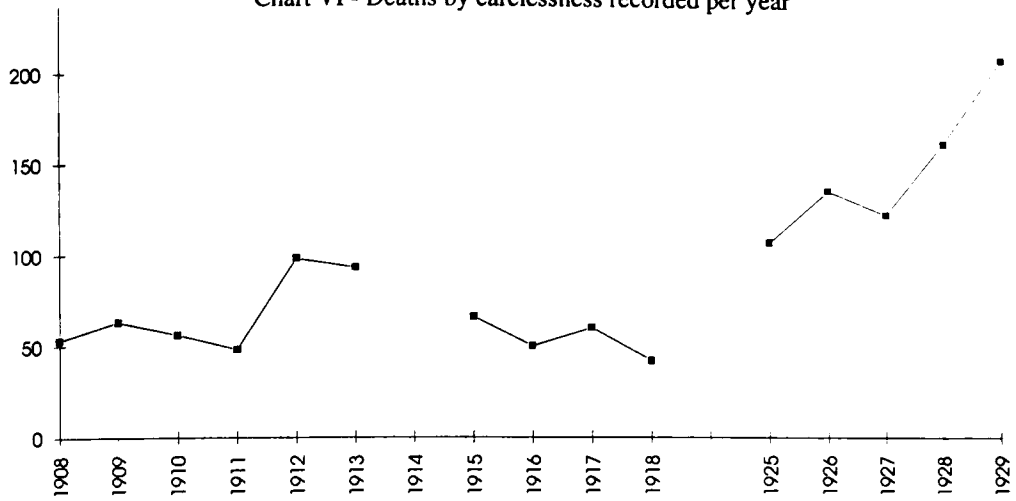


Chart VII - Injuries caused by carelessness recorded per year

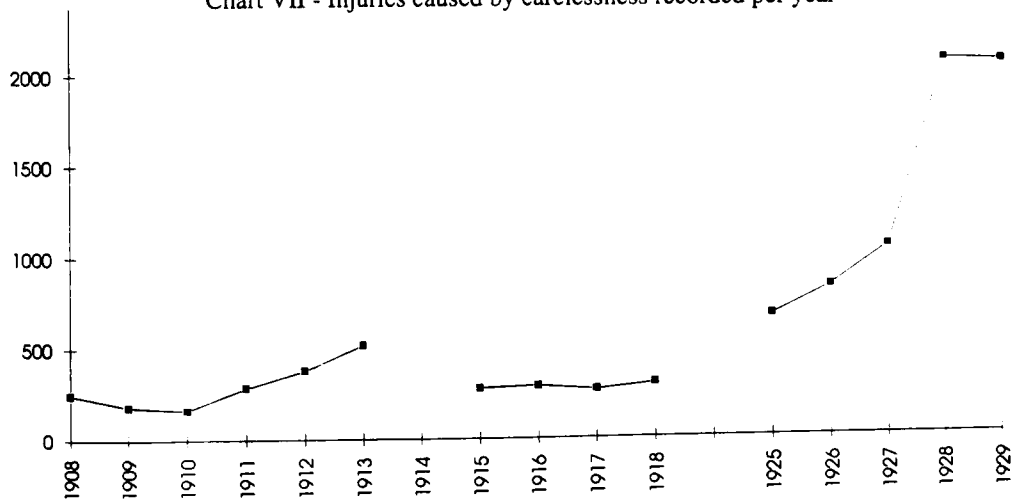
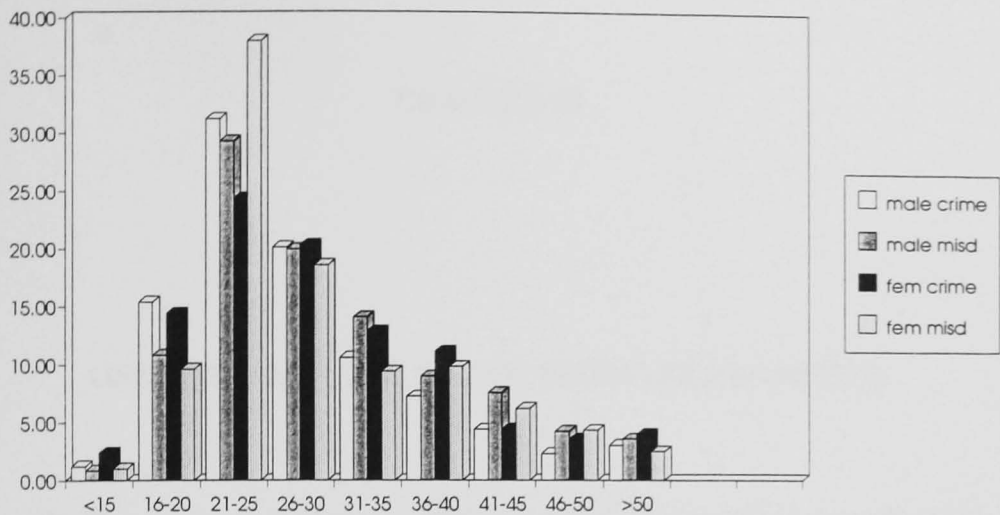


Chart VIII - Average age of offenders



## CHAPTER III

### ORDER IN THE CITY: A VIEW FROM THE FRONTLINE

On the afternoon of 2 January 1925, a 13 year old girl called Maria Venancia entered the police station of the 19th district. She explained that she did not intend to return to the house of her employer as she was mistreated. She reported that she had been sent to buy ice cream by one of her employer's sons but the ice cream seller, after receiving the money, had run away, leaving her without the goods or the money. Back home, she was threatened with a beating if she could not return the money. Three hours later, it was the turn of her employer, Dona Leonor, to appear at the station and `using the rudest words, showing that she does not have the education she pretends to have, she said in a loud voice that a little negress had forced her to go to a police station, and other such inconvenient things that made clear the mistreatment complained of by the said girl. Dona Leonor said that she only agreed to receive the girl into her home because the girl complained that her mother wanted to sell her for a drink'.<sup>1</sup>

A few years before, a civil guard noticed a man carrying some packets which he considered suspicious. He approached the man, in the same way frequently found in the occurrence books . But he soon found out that his suspect, the Spanish mason Miguel Cortez was drunk and resented the approach. The guard was insulted and resisted. The

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<sup>1</sup> Ocorrências, 19th DP, 3/1/1925.

accused was taken to the 5th DP, where the *comissário* recorded the marks of his resistance - his face had been scratched by the guard. The *delegado* did not consider the case important at all and simply wrote in the margin: 'informed' [ciente].<sup>2</sup>

These two short stories, without known endings, could be multiplied into many more. They are reminders of how difficult it is to produce police statistics, and that those who produced the contemporary statistical material had to deal with an unenviable task. Situations faced by the police were frequently unexpected, and could be classified in many different ways. Certainly the *comissário* considered that the most serious problem in the first story was the behaviour of Dona Leonor in the station; beating a young servant was nothing unusual, and about the ice cream vendor who possibly committed an offence, we hear nothing whatsoever. The second story presented a variety of offences from which the police could choose: from the suspicion of theft into verified drunkenness, aggravated by swearing and resisting a policeman; but it also can amount to nothing at all since the *delegado* considered the case too minor and probably no further steps were taken, striking the case out of any statistical record. One of the tasks of station policemen was to classify events into workable categories or in such a way that they would definitely be dropped without interfering with the workload, unless other interests intervened. Police work involves a blending of utterly bureaucratic tasks and some unexpected situations, which do more for the folklore of the activity than are present in daily work. Policemen learn in which circumstances they are able to provide a service, and furthermore in which circumstances it is worth doing so. They try to shape the problems they face into what they expect or want. Codified law attempts to restrict police work to its rulings, and law books have plentiful explanations on how policemen are there to do what the law says. Policemen find this 'obeying the law' explanation very useful to present themselves to the external public but what they actually do is not necessarily guided by the rules; our Spanish mason could - or should - have been booked for at least three different offences. Roberto Kant de

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<sup>2</sup> Ocorrências, 5th DP, 26/9/1921.

Lima provides a similar example noting the attempts of the police to record the theft of personal papers as loss, saving the police rather than the plaintiff a lot of trouble.<sup>3</sup> The classification of cases has a crucial effect on how the police will have to proceed later, and policemen soon learn how to avoid overburdening themselves with problems they are going to be unable to deal with.

Such classifications provided the background to the creation of police statistics but, after the initial choice was made at the station, they might be filtered or changed in the process of gathering the material for statistical purposes, or in the process of bringing criminal charges.<sup>4</sup> What is most important to us is to recognize that from the raw material it is possible to be dissatisfied with the choices of classification and treatment made by the police, but to remember also that any way of choosing a definition for so varied situations meant abandoning other real possibilities.<sup>5</sup>

Before presenting the results of my exercise of definition of the material, it will be useful to have a closer look at how the sample was chosen, and the extent to which it represents the pattern of police work in the central area of Rio de Janeiro found in official statistics. The refusal by the police of Rio to allow me to look at the material at their premises meant that the option about which police stations were to be investigated had to be decided before any examination of the material was possible.<sup>6</sup> I based my choice on the

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<sup>3</sup> Roberto Kant de Lima, Legal Theory and Judicial Practice: Paradoxes of Police Work in Rio de Janeiro. PhD Diss, Harvard University, 1986.

<sup>4</sup> The most evident example is probably the many cases brought before a jury as attempted murder which were returned with a verdict of assault.

<sup>5</sup> Using more than one classification for each event would put the data beyond control for purposes of comparative analysis, so a choice had to be made.

<sup>6</sup> It was explained that they could not risk having a microfilm reader broken because it would take a long time to obtain funding to make repairs.

available official statistics, and privileged a table of dangerousness in the different districts of the city elaborated by an army officer in 1911 and included in the report of the Chief of Police.<sup>7</sup> In his chart, the officer classified the districts according to the number of offences, suicides, and disasters, which provided what he called the 'abnormal characteristics' of the districts; the population and area to be policed were considered as 'permanent characteristics'. I decided to ignore his use of the variable area to access dangerousness because it placed an emphasis on the large rural districts, which I felt required a different approach, and therefore decided to keep these out of my scope. Rebuilding his table, I decided to choose six districts divided in three groups of two with approximately the same index of dangerousness. Among the twenty nine districts, I chose - in a scale of more police occurrences per inhabitant - the numbers 2 and 3 [Santana and São José], 10 and 11 [Engenho Velho and Santo Antonio], and 18 and 19 [Méier and Tijuca]. The Occurrence books at Rio's *Secretaria de Polícia* were organised according to the current arrangement of police districts and one extra district came as part of the contemporary district that now comprises Santana, enlarging my sample with a district, Santa Tereza, which would be number 17 in the table. These seven out of between 28 and 30 districts that existed in our period offer a good sample of most of the crimes and misdemeanours common in the city. Using the years that I have investigated in more detail and in which official data discriminating the offences according to stations is available, we can see that the sampled districts recorded 30.68% of the crimes and 37.4% of the misdemeanours reported by the police in 1909, and 31% of the crimes and 40% of the misdemeanours in 1917. The greater number of misdemeanours is a direct consequence of privileging the central areas, and appears particularly large in the case of gambling, since almost half of the cases recorded in 1909 were in the sampled districts. In this same year, Santana and São José were the two districts that recorded most misdemeanours.

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<sup>7</sup> 'Quadro comparativo da dificuldade de policiamento dos Distritos Municipais da Cidade do Rio de Janeiro', organised by the military engineer Dr. Jaguaribe de Mattos. *Relatório*, 1911, pp. 100-101.



The same differences would be found if we separated the different crimes. We can find an emphasis on crimes against the person, while crimes against property reflect more precisely the sample.<sup>8</sup> In general we are able to say that the sampled districts present an over representation of recorded crime in Rio but that they can be assumed to be a fairly accurate description of the specific reality of the central parts of the city.

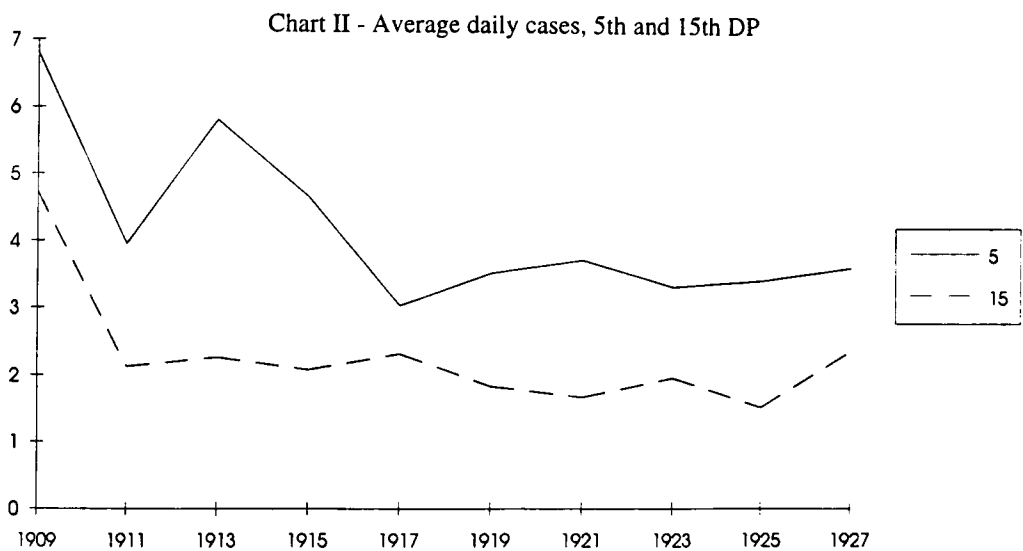
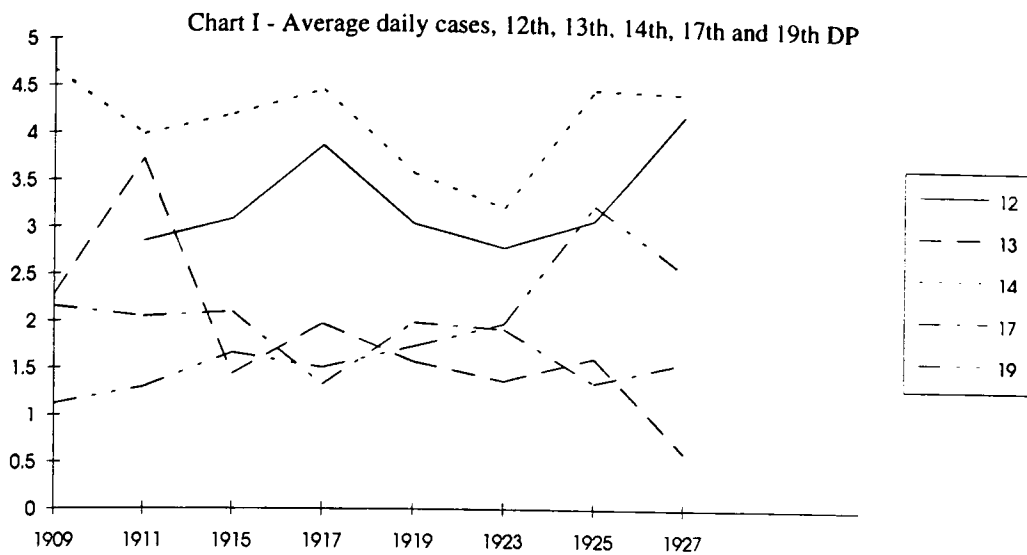
After sampling the data available as to how the average daily amounts of work - a category that goes further than crimes and misdemeanours - were distributed in these districts, we may well point to a division of the districts into two main groups: Santanna, São José and Santo Antonio tend to present a bigger average of daily cases than the other four.<sup>9</sup> This should be nuanced with a perspective of change through time that points to a diminution in the work at Santa Tereza while the workload at Méier, which was the district with the least crimes of all in the official statistics of 1909, grew in the 1920s (see charts I and II). It is quite clear that there was a difference between most central districts, recording a greater number of cases, and the more peripheral ones, that operated on a smaller scale.<sup>10</sup> Keeping this in mind, we shall deal with the city as a whole before trying to establish any local specificity.

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<sup>8</sup> The districts recorded 23.58% of the crimes against property and 31.8% of the crimes against the person in 1909, and 28.67% of the crimes against property and 33.59% of the crimes against person in 1917.

<sup>9</sup> The averages were obtained by counting occurrences through a three month period for each year.

<sup>10</sup> Although I am not dealing with the peripheral districts of large suburban areas, I think it is important to note that such districts were experiencing a growth in importance throughout our period. The Jornal do Comércio reveals concern about property crime in suburban areas in 1917, deserving a special headline: 'Thievery in the suburbs' [A Gatunagem no subúrbio]. I will show later how prosecuted cases in Méier in the late 1920s looked quite like the pattern of the central districts in an earlier period.



Among the main theories presented by historians about the development of the police forces between the late nineteenth century and the early twentieth, one of the most important debates concerns the suggestion by Eric Monkkonen that the police experienced a change - a narrowing according to him - from the broad range of social or social controlling tasks that they received upon their creation in the nineteenth-century into a

more specific activity centred in crime control in this century.<sup>11</sup> This more restricted approach could be linked with the definition of a more professional outlook for the police institution as it grew increasingly more established. It should be stressed here that the idea of police professionalization has been under attack and can be used to cover a range of different meanings.<sup>12</sup> In general, notions of professionalization revolve around the basic points of the affirmation of an identity, of belonging to a specific group among the middle classes. It is important that the concept of professionalization should be treated in a twofold manner: there is a process of building a coherent group identity, comprehending a set of values that are expected to be shared by those who join the group, and there is also a plea for external recognition of the capability of the group to perform a specific task in society better than others.<sup>13</sup> The process of building the internal identity of the policemen encompasses this study as a whole; what we are going to be concerned with in this chapter is to what extent this group asserted their special capacity to perform the tasks of preserving order and fighting crime in urban society. This leads us back to the initial matter

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<sup>11</sup> Eric Monkkonen's analysis is developed in his book Police in Urban America 1860-1920, Cambridge, Cambridge University Press, 1981. He points also to a nationalization of criminal policy which is totally absent from the Brazilian experience. See also the testing and rejection of his hypothesis for European cities by Barbara Weinberger & Herbert Reinke, 'A Diminishing Function? A Comparative Historical Account of Policing in the City', Policing and Society, 1 (1991), pp. 213-223.

<sup>12</sup> Peter Manning suggests that professionalism is a 'presentational strategy' adopted by the police 'to control the public and their own organization', 'cloak[ing] the diversity of actions carried out by the police'. Peter K. Manning, Police Work: The Social Organization of Policing. Cambridge, The MIT Press, 1977, p. 127ss. See the various approaches to the historical dimensions of police professionalism in Clive Emsley & Barbara Weinberger (eds.), Policing Western Europe. Politics, Professionalism, and Public Order, 1850-1940. Westport, Greenwood, 1991.

<sup>13</sup> With the implicit consequence that professionals should be accountable only to their own group because others would not have the knowledge necessary to evaluate their performances.

of changing attributions, because it was the police ethos that forwarded the idea that crime control was their specific role, and that they and only they were capable of performing it properly, if only they were released from performing other tasks.<sup>14</sup>

Our data is useful in evaluating Monkkonen's hypothesis with reference to Rio's police, and also for accessing the extent to which there was what can be described as a professionalization of police activities. Studies of Rio de Janeiro have concentrated on the effects of the end of slavery and the establishment of tighter forms of social control over the urban poor around the turn of the century and up to the immediate results of the urban reforms of 1904. There seems to be an assumption that policing continued in the same mould that was established about 1910. A recent article by Sueann Caulfield and Martha Esteves provides a first inkling of the changes that happened when they compare data on sexual crimes from the first decade of the century with data from the 1920s and 30s. They found that from 1916, when the crime of defloration was removed from jury trial and ascribed to a singular judge, there was a visible increase in convictions - a change which escaped Esteves' book on the subject, that dealt only with the earlier cases.<sup>15</sup> Other studies have progressed a bit farther chronologically, but without being able to present a consistent analysis of changes in criminal policy. Fausto's study of crime in São Paulo could provide a useful comparison because it continues until 1924, but his official statistical data stops in 1916, only the data from criminal *inquéritos* - which exclude misdemeanours - reaches

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<sup>14</sup> The opposite can also be true; some military police officers in the early twentieth century were suggesting that they would perform better if kept in barracks for riot control instead of being burdened with the tasks of daily policing.

<sup>15</sup> Conviction rates increased from 25% to 44%. Sueann Caulfield and Martha de Abreu Esteves, '50 years of Virginity in Rio de Janeiro: Sexual Politics and Gender Roles in Juridical and Popular Discourse, 1890-1940'. Luso-Brazilian Review, 30 (1), 1993, pp.47-74, and Martha de Abreu Esteves, Meninas Perdidas: Os Populares e o Cotidiano do Amor no Rio de Janeiro da Belle Époque. Rio de Janeiro, Paz e Terra, 1989.

1923. He shows that the proportion of arrests per 10,000 persons in São Paulo reached a peak in the years 1900-1904, rapidly declining afterwards; but that public order arrests, on the contrary, would continue to increase, representing 87% of the arrests in 1912.<sup>16</sup>

Adamo's study of race and crime in Rio jumps from the data of the 1910s to data of the 1940s, and is concerned mainly with the discriminatory policy against non whites that is prevalent throughout Rio's history.<sup>17</sup> In general, there seems to exist a visible gap between the 'social history of the poor' which deals with the two first decades of the Republican period and the history of the working class movements that prevail from the late 1910s.<sup>18</sup> We shall attempt to trace a continuity through the two periods, by comparing policing trends through the first three decades of the century, suggesting that the repressive model that prevailed in the beginning was later adapted to a milder version, at least with reference to indiscriminate arrests and control of street behaviour in the central areas of the city. We can attribute such change to various explanatory models such as the internalisation of

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<sup>16</sup> See Bóris Fausto, Crime e Cotidiano: A Criminalidade em São Paulo (1880-1924). São Paulo, Brasiliense, 1984, tables at pp.32 and 46. His data suggests that a change occurred in the classification of public order offences, with a decrease in cases of disorder and an increase in cases of vagrancy. The same did not occur in Rio.

<sup>17</sup> Samuel C. Adamo, The Broken Promise: Race, Health, and Justice in Rio de Janeiro 1890-1940. PhD Diss., University of New Mexico, 1983.

<sup>18</sup> European studies have a strong case for a break in the 1910s: the World War. The same is not true to Latin America. Having in mind that we are dealing with research strategies developed in the last twenty years, we may attribute this informal division of fields to the impact of E. P. Thompson's work that stimulated research into the making of the working class before the creation of the unions' movement. The other main influence was Foucault's, who focused on the creation of the disciplinary society, rather than on the changes it experienced afterwards. From the strikes of 1917 onwards, the field was occupied by more traditional labour history. The same influences are acknowledged in most of crime and police research, as for the case of Australia, in David Phillips and Susanne Davies (eds.), A Nation of Rogues? Crime, Law and Punishment in Colonial Australia. Melbourne, Melbourne University Press, 1994, p.2.

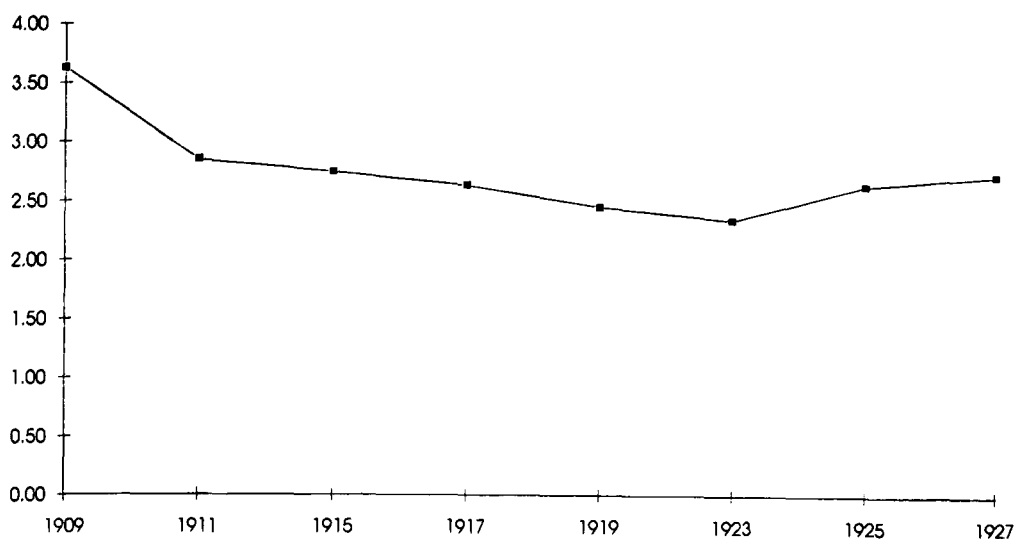
discipline, the constitution of hegemony over the remains of popular culture making the harsher measures unnecessary, or as a rationalisation in the exercise of power through a growing bureaucracy; but no matter what general view of the historical process is preferred, a transformation in public policy towards urban order has to be accounted for.

To verify if the development of the police in Rio fits such models, the first question we must address is whether we can perceive changes in policing practices during the first quarter of this century. Dealing with the data as an aggregate we can notice a marked diminution in the activity of the police in the early 1910s, followed by a continuous but less marked downward trend until the early 1920s, when it begun to grow again, partly reflecting the growth of the city's population, partly due to a new effort in police professionalization. The average number of daily occurrences brought to a police station in 1909 was 3.63, falling to 2.85 in 1911, reaching its lowest point in 1923 with an average of 2.36, and increasing again to 2.77 in 1927 (see chart III).<sup>19</sup> Up to this point, Monkkonen's argument carries force, pointing to a selection of roles to be performed by the police, in order to improve the effectiveness of the performance itself.

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<sup>19</sup> Averages were built upon a sample of three months in each year. The year of 1909 was the only one when the sample was based in six instead of seven districts because the whole year is missing for the 12th DP. In the other years, the sampled months may vary.

Chart III - Average Daily Cases, all districts



Further considerations can even strengthen this argument if we look at the numbers of activities performed by the police as a social service or as an agency of social control. The most striking is certainly their role in providing initial assistance to the sick and poor, issuing them letters of admission to be treated in the city hospitals. Although completely ignored by official reports, this was one of the main tasks performed by the police. In 1909, the *comissários* recorded 259 of such cases (13.2% of the records).<sup>20</sup> This function had virtually disappeared eight years later, when there were only 16 cases, and dropped further in 1925 to 7 cases, and those were caused by street emergencies, rather than by people looking for the police as a way of getting into hospitals. On the 24 March 1925, the *comissário* of the 14th DP received an eighty year old black woman in need of medical treatment. She was not from Rio, and had gone to the Santa Casa hospital in search of

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<sup>20</sup> Medical cases involving the police can be overrepresented in our sample because the 5th DP included the Santa Casa hospital, and the 14th DP included the railway terminal, and these two stations probably received cases being brought from other areas of the city. This is particularly true in cases of death, the 14th DP recording deaths which occurred on trains of people from other cities arriving for treatment. Also, since most of our data is gathered in the summer months, we find some cases of sun stroke.

medical care, carrying a letter from the Justice of the Peace of her nearby city. They refused to assist her, and continued to refuse even after she returned with a letter from the police. The only solution found by the police was to intern her as mad in the city asylum.<sup>21</sup> It is very clear that the role of the police as the first call for the sick poor was scrapped in these years, although it is not clear whether this change resulted from a demand by the police or from changes in the system of health care, but probably both reasons have to be combined.<sup>22</sup> Other tasks related to public health remained longer as police functions. Some of them, like suicides, had to be dealt with by the police because they might have involved a crime, but even these tasks were reduced by the availability of different agencies - especially medical - to provide immediate help.<sup>23</sup> The report of deaths on the street or in isolation offer an example; there were 63 occurrences in 1909, 72 in 1917 but in 1925 only 32; similarly the reports of miscarriages - or so they were presented to the police - were 33 in 1909, 37 in 1917 but 7 in 1925. The improvement in medical assistance and communications probably reduced this role of the police. The police also kept responsibility for the internment of people suspected of mental disorders; a fairly stable number of around thirty were sent for examination every sampled year; this number seems small when compared with the official statistics, which ranged from a minimum of 975 in 1909 to a maximum of 1512 lunatics [*alienados*] in 1918, more than three every day, send by the police to the city asylum.<sup>24</sup> The category accident - which comprised a variety of

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<sup>21</sup> Ocorrências, 14th DP, 24 and 28/3/1925.

<sup>22</sup> We have seen before that the Chief of Police complained about medical services - the *Assistência* - calling for the city administration to assume this tasks.

<sup>23</sup> It is not uncommon to read in press reports of suicides that the police dispensed with the required examinations of the body to allow the family to go ahead with the burial ceremonies.

<sup>24</sup> A figure of yearly internments by the police is presented in Anuário Estatístico da Polícia da Capital Federal. 1913.



different possibilities<sup>25</sup> - fell from 93 in 1909 to 66 in 1917 but increased again to 104 in 1925. This was due to the enforcement of new legislation about accidents at work that prompted many victims and some employers report to the police.<sup>26</sup> The elements used by Monkkonen to point to the narrowing of police function, the help to lost minors and lodging for vagrants are not useful for comparison. Vagrants were recorded as arrested and not lodged,<sup>27</sup> and we will discuss them later. The help given to children is very difficult to access. Many cases involved the disappearance or the finding of minors but in most cases what we have is the reporting to the police of the disappearance - mostly escape - of children.<sup>28</sup>

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<sup>25</sup> Accidents could happen at work, while operating machines, at home, or moving across the city. Since I am going to deal with traffic as a separate category, this presented the most difficult problem for my analysis. I have classified as traffic occurrences the more common cases which involved either two vehicles or a vehicle hitting a person. Also classified as accidents were the few cases of vehicles damaging property and the very common cases of people falling from trams.

<sup>26</sup> Enforcement is not, perhaps, the best word. The history of labour legislation has pointed to the small impact of such laws, but what we can perceive here is that they certainly provoked a movement of reporting accidents to the police, even if such cases did not go further, and were not intended to.

<sup>27</sup> This does not mean that the police did not lodged homeless people. On 19 February 1915, a *comissário* recorded that five men and one woman slept at the station. Ocorrências, 14th DP, 19/2/1915. Unfortunately, such records are very rare.

<sup>28</sup> The official statistics present a table of minors collected by the police and sent to 'Judges, to the School XV of November or to agricultural training'. The number vary from a maximum of 445 in 1909 to a minimum of 55 in 1917, with the extraordinary exception of 1918, when 1503 minors were so collected. This table is quite surprising, and it seems that its only reason for existence is that it was produced in 1918, when the police wanted to stress their work of the year; the subject was usually ignored. Anuário Estatístico da Polícia da Capital Federal. 1913.

The number of public order offences, in general, saw a marked decline during these years. Drunkenness was responsible for 188 occurrences in 1909, almost 10% of the total cases, and dropped abruptly to only 15 cases in 1917, it completely disappeared in 1925.<sup>29</sup> It should be remembered that the mid 1920s saw the establishment of a policy of internment for those charged with habitual drunkenness, probably replacing the more traditional night in jail. The same happened with disorder and vagrancy that also fell sharply (see table). Public order cases were a vital part of the police mandate in 1909, comprising about one third of their activities, but they markedly declined after this year, to a little less than 1% in 1925. An additional enquiry into the records shows that they were still very important in 1913, when the 5th DP made 465 arrests during a three months period, including 282 for the three public order offences. This allows us to locate the change in the mid 1910s, when concerns about public order were still paramount among the top administration, but the way of dealing with the problem had certainly shifted from the mass arrests by local police stations found in 1909 or 1913. In the second half of the 1920s, the 4th *Delegacia Auxiliar* established a special branch to repress vagrancy, probably discharging the stations from much of their previous concerns about the matter. It is noticeable that official statistics (see chart IV in chapter 3), after recording very low numbers of prosecutions for public order in 1925 and 1926, regained impetus from 1927, when it went close to the numbers of the 1910s, but the profile of vagrancy arrests in the

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<sup>29</sup> Since the definition of categories to characterize the problems faced by the police is extremely complicated, I decided to use only some main groups in my analysis. A table is included at the end of the chapter comprising the main types of occurrences, which constitute more than 80% of the total.

books changed radically, with the cases virtually disappearing from the central districts, while assuming a new importance in suburban areas.<sup>30</sup>

Since many police tasks did not result in arrests, and public order cases permitted multiple arrests to be dealt with at the same time, the impact of public order offences is even bigger in the statistic of arrests, and the sharp drop is noticeable as well. In 1909, the three public order offences were responsible for 916 of the total 1461 arrests. The total number of arrests dropped two thirds by 1917, totalling 523, with 110 due to public order offences. The decreasing tendency continued to 1925, when there were only 377 arrests, of which 33 were public order offences. It is noticeable that some districts had much more arrests relating to public order than others; this is particularly notable in the 5th DP, where they accounted for 432 of the 571 arrests in 1909, and 282 of 465 in 1913.

Public order offences recorded per year

	1909	1917	1925
disorder	276	48	23
drunkenness	188	15	0
vagrancy	165	23	3
total	649	86	26

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<sup>30</sup> A look at occurrence books of the 5th DP in 1927 confirms that they do not record vagrancy arrests and especially no *inquéritos*. Some arrests appear without a stated reason, only with a note stating they were ordered by a *Delegado Auxiliar*, but they look like vagrancy arrests, such as

At midnight, the Civil Guard 527 presented, by order of an official from the 2nd *Delegacia Auxiliar* and to await instructions from the 2nd *Delegado Auxiliar*, for being at Avenida Mem de Sá, Alzira da Silva, 25, Brazilian, white, resident at Avenida Mem de Sá 40, and Maria José, 25, Brazilian, white, resident at rua do Rezende 41.

Ocorrências, 5th DP, 9/3/1927. See also 22/2/1927; and notice that both cases involve women. In contrast, in the 19th DP, as we shall show later, the number of *inquéritos* for vagrancy was big, and mostly male.

When we compare the maintenance of a relatively stable number of occurrences dealt with by the stations across the years with this decrease in the number of public services and order maintenance cases, it becomes necessary to assess what were the new cases that were brought to the attention of the police. According to Monkkonen's explanation we would expect to find an expansion of criminal offences. However, it seems that we must look for some different explanation because such an expansion does not seem to have occurred, at least in a volume that would explain the intensity of police activity. Property crime increased between 1909 and 1917 from 101 cases to 249, but this tendency was not confirmed by a continued growth in the following years, with the number of property crimes falling to 229 in 1925. A similar pattern is found in cases of assault, the main criminal offence in the period: these increased from 202 cases in 1909 to 269 in 1917, to fall again to 227 in 1925. External factors may explain this, at least in part, when we keep in mind that from 1922 the police was deviated from its role in crime control and required to pay more attention to political policing, a situation that would begin to change in 1925, but probably only after the months of our sample, when a new upsurge in police activity began. Arrest data for crimes present different trends: arrests in property crimes followed the tendency of recorded cases, increasing from 1909 to 1917 and falling in 1925.<sup>31</sup> But cases of assault maintained a downward trend throughout the period, falling from 143 in 1909 to 118 in 1917 and 92 in 1925. Assault numbers are always difficult to measure because what is presented as an assault in a police station can be of such minor

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<sup>31</sup> Once again, it must be taken into account that 1925 was a particularly bad year for police activity. In an unusual statistic covering the whole 1920s, the Chief of Police shows the number of persons who entered the House of Detention charged with property crimes (his definition is broader than mine) between 1919 and 1929. After being stable between 1919 and 21, it falls until 1925, to increase again sharply in the next years. Relatório, 1929, p. 159.

importance that would be ignored by other agencies or even by the parties.<sup>32</sup> The police decision to treat a case as assault depended on varied circumstances; when a servant complained of being hit by her employer the *comissário* suggested that she should return home and wait one night to see if any harm resulted from the assault otherwise he saw no reason to pursue the case. She agreed with him and reported the next day that she was feeling fine.<sup>33</sup>

The downward tendency in the absolute numbers of assaults is reversed if we look at their percentage among the arrests in general; assault arrests were 10% of the total in 1909, they doubled in 1917 and increased to almost 25% in 1925. In this sense, Monkkonen's argument might look correct to the point that the criminal arrests seems to occupy a larger role in police activity, but this was due to the reduction in public order arrests rather than to any increase in their actual capacity to arrest for criminal offences.

The activity of the police maintained its statistical level during the period mainly through a sharp increase in the number of occurrences involving vehicles, especially the

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<sup>32</sup> On 7 September 1927, Basilio de Souza Omanguim, Brazilian, 41, widower, pardo, employee of the municipality was arrested by the military police charged with assaulting Antonio de Oliveira. There was no *flagrante delicto* against him because the victim and his mistress denied the assault. The *comissário* concluded that the interference of the policeman had prevented the assault from being accomplished, after the accused suspected that the victim had made passes at his mistress. He kept Basilio under arrest for the consideration of the *delegado*, who subsequently released him. Ocorrências, 19th DP, 07/09/1927.

<sup>33</sup> Ocorrências, 13th DP, 7/11/1923.

new motor cars that began to plague the city.<sup>34</sup> Traffic problems were not altogether new, having been experienced for some time in a city built in an environment inadequate for proper transportation. The urban reforms of 1904 created some thoroughfares capable of coping with more traffic but they only cut across the grid of narrow colonial streets where problems persisted. Traffic problems extended their share of police work from an already large 151 cases (7.69%) in 1909 to even more significant 244 (14.66%) in 1917 and 497 (27.9%) in 1925. The press was always calling attention to the large number of accidents caused by vehicles in the centre of Rio, remarking with irony that many of them were caused by vehicles owned by the police.<sup>35</sup> The *Jornal do Comércio*, in 1925, made some comments on the extent of the traffic problem:

It has been reported that a boy had his legs crushed by a tram at rua 7 de setembro. This accident is regrettable but not to surprise anyone. A long time ago, during the monarchy, an English visitor wrote that Rio's coachmen were the best in the world, much better than London's. This was because in London the coaches travelled in line, followed a certain order, and it was not very difficult to manoeuvre. Here, on the contrary, each car went one way and it was remarkable that we did not have more accidents... If this English visitor could return now to Rio he would be astonished by the audacity and skill of our drivers! In the Avenida Rio Branco and all central streets, at the busiest hours, the motorcars try to overtake each other, and do it. At Avenida Beira Mar, in the early evening, it is like a race, it looks like a racing championship. And we do not have a thousand accidents every day! The skill of the drivers is notable, as well as that of the passers-by in the central streets, with trams passing in all directions, cars racing and overtaking without any sort of order or rule. Even more remarkable, among this mess, our boys selling newspapers jumping from tram to tram among the racing cars and almost always safe at the end of the day.<sup>36</sup>

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<sup>34</sup> Rosa Maria Araújo comments of a first hire car service for promenading in the Avenida Central established by the end of 1905. In 1908 there were complaints in the press about the speed of cars. By 1911 the *Jornal do Brasil* was writing: 'We know of more than one crutchmaker who got rich since progress arrived through one of its most noisy and dangerous elements, the motor car'. Quoted in Rosa Maria Barbosa de Araújo, Republican Rio: City and Family, 1890-1920. PhD Diss, The Johns Hopkins University, 1991, pp.453-454.

<sup>35</sup> The number of accidents involving public cars, either police cars or belonging to other public services is very noticeable. Certainly this is due to a large proportion of public cars circulating in Rio, where public officials were fast in adhering to the new comforts of civilization.

<sup>36</sup> Jornal do Comércio, 21/2/1925.

The problems created by the gaps in legislation dealing with the new motor cars makes it difficult to access the available data. Drivers who hit people were supposed to be arrested *pro forma*,<sup>37</sup> although this was not always true. The discretionary power of policemen was here more evident than in most other cases, and they released or arbitrated summarily many traffic cases. It is an instance where we can only guess at the impact of such cases on police work. Traffic cases brought members of the respectable classes into stations, and opened police procedures to some scrutiny, but their main characteristic was the encumbrance they represented to the police, occupying an important part of their time. Traffic could also be used easily to show off police work, through reporting lots of cars parked illegally,<sup>38</sup> or driving at high speed - although there was no way of actually measuring it - as used to be reported by the policemen who worked near the residence of the Chief of Police in 1925.<sup>39</sup> All of this poses problems for Monkkonen's analysis at least with reference to the experience of Rio, since while the police was getting rid of social control tasks, other tasks such as traffic and accidents at work, that might be considered as

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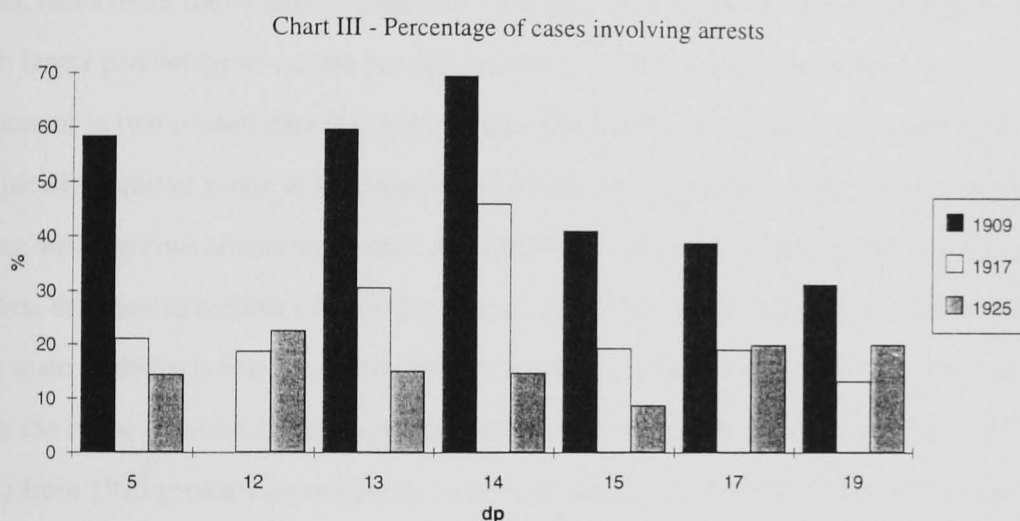
<sup>37</sup> They were charged and released on bail. For example the taxi driver Julio Campos Martinez, Spanish, 28, married, white, was arrested at Rua Conde de Bonfim after hitting the Syrian Adib Sarkis, white, 43. He was presented at the station with three witnesses and recorded as *flagrante delicto*, and then released on bail. Ocorrências, 17th DP, 03/03/1925.

<sup>38</sup> There is another problem found in the daily occurrences. In the 13th DP in 1925, the *comissário* listed the license number of cars parked irregularly near the red light district. I decided to follow the number of entries made by each *comissário*, and therefore count such reports as one occurrence, no matter how many cars it listed. For example, on 4 February, cars number 7469, 6950, 5677, 4286, 3926 were parked in prohibited places, on 6 February, there were cars 1123, 3162, 7050, 4096, 5326 and 5387; on the 7th, cars 1326, 3961, 6284, 6124, 7985 and 5909. The list goes on until early March. Ocorrências, 13th DP, *passim*.

<sup>39</sup> For example, on 10 March the policemen reported that they had to place themselves in front of the car 5849, going at great speed, to force it to stop. They arrested the driver, drunk and without a driving license. Ocorrências, 17th DP, 10/3/1925. See also 30/3/1925.

external to the main police mandate as the old ones, were impinging more and more upon the policemen. The police adapted to such new tasks by the creation of specialised branches, leaving to the local stations the role of dealing with tasks considered mainly bureaucratic.

A closer view of some trends in policing during the first quarter of the century can be obtained through the records of arrests. The significance of arrests in daily policing changed considerably during our period; falling from an average of occurring in about fifty percent of the cases in 1909 to twenty five percent in 1917 and less than twenty in 1925 (see chart III).



This change was reflected in the official statistics through an acute drop in the number of those jailed either in police stations or in the *Casa de Detenção*; in both cases the arrestees between 1908 and 1918 fell to about a third.<sup>40</sup> The pattern of change, however, is too

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<sup>40</sup> This data can be compared with the numbers provided by Thomas Holloway for the period 1868-1888. In spite of the marked variations across the years, it is striking that the number of arrests did not follow the increase in population. The official number of arrestees kept in police jails fell from an average of 386 per ten thousand in the 1870s to 119 for the period 1908-1917. See Holloway, *op. cit.*, pp.249-251.



irregular and does not follow a similar trend in both cases. The three sets of arrest numbers are useful to illustrate the process of filtering that occurred in police work; it is difficult to assert how many of those presented to the station as arrested were included in the official jail statistics, but they were not all considered. From those jailed in the district stations, only some were sent to the *Casa de Detenção* to await prosecution, and this did not always follow.

The variation in arrests also seems to indicate a bigger change in central areas of the city, where there was a change from residential buildings to commercial during these years. The more distant districts, which received the displaced residents of the central areas, had a more stable ratio of arrests or increased over the period, becoming the districts with larger percentage of arrests per occurrence in 1925.<sup>41</sup> Arrest occurrences were important in two senses: they had a profound impact on future police work, since they frequently required a case to be prepared for court, and they were a visible sign of work being done because arrests are treated as a reliable evidence of police activity. As noted before, the general number of recorded arrests was falling sharply throughout the period. The main problem is that the quality of data recording was also falling through the period, after the initial pressure from enlightened elites to build reliable statistics had vanished. Data from 1925 presents an enormous number of arrest records without the information about the arrestees which was supposed to be included.<sup>42</sup> The smaller sample, together with the lack of detail makes it even more difficult to interpret the trends.

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<sup>41</sup> The 19th District increased in number of occurrences as well as in arrests during the years. Data from the 17th district should be treated particularly carefully since we cannot assess the effect that might have resulted in 1925 when it became the district where the Chief of Police lived.

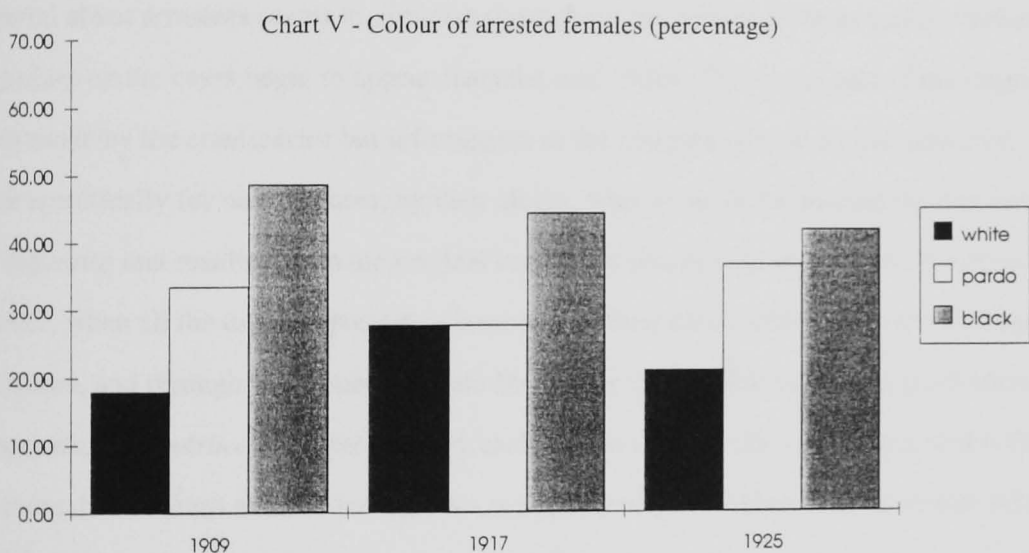
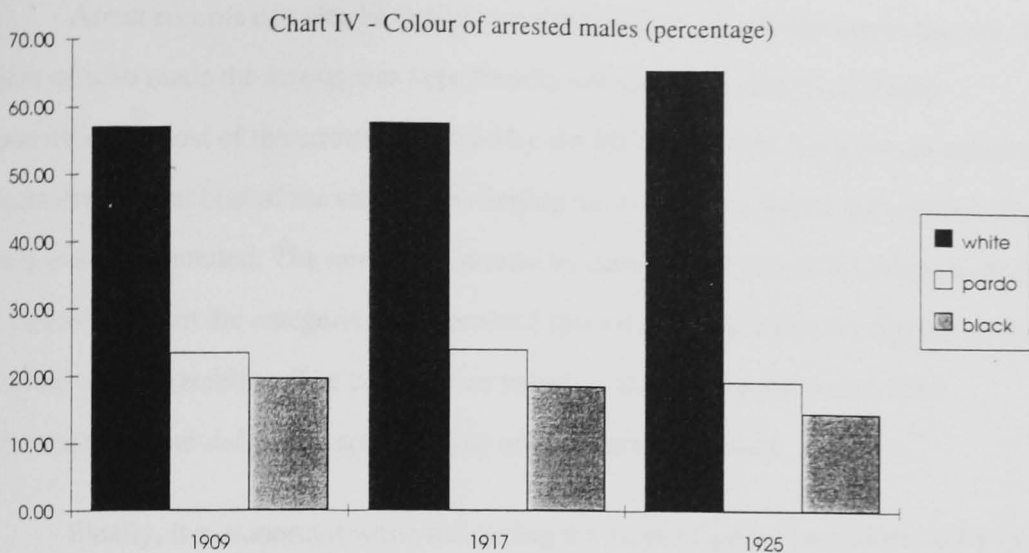
<sup>42</sup> Very possibly what happened was a change in the recording procedures of arrests, putting them into special arrest books which are lost, and leaving only the limited notes of the Occurrence Books.

The main reason for the diminution in arrests was the virtual disappearance of public order arrests. This permits us to presume a change in the profile of those arrested, distancing it from the figure of the vagrant to become closer to the figure of the criminal offender. The first indication to support this idea is the decrease in the female presence among those arrested, although it was not very marked. Women accounted for 13.68% of the arrests in 1909, and fell to 10% in the other years. Up to a certain point we can suggest that the fall was not more significant because women were kept subject to public order arrests a little longer than men, accounting for a quarter of the public order arrests in 1917.<sup>43</sup> The continuance of the traditional model of dangerous classes among women can be clearly perceived when we deal with colour. In the total of arrests, the percentage of whites was much larger, even if it did not account for their share in the population of the city.<sup>44</sup> If we look only at female arrests, however, there was a total inversion, with a significant majority of black women arrested (see charts IV and V). That meant that the arrested women were Brazilian in a large majority; only one non-Brazilian woman was arrested in 1925, which also differs from the pattern of male arrests, where there was a significant presence of Portuguese men. This number was slightly reduced in 1925, but they still had some showing in criminal arrests.

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<sup>43</sup> Public order offences were responsible for about 80% of the female arrests in 1909, this number dropped to 50% in 1917 and to 20% in 1925.

<sup>44</sup> According to the official statistics, whites became properly represented in criminal arrests from 1915 to 1918; in our sample, which comprises arrests for crimes and misdemeanours, they were always under represented, although their share increased constantly. An important part of those without recorded colour, however, were almost certainly white because of their recorded European nationality.



One significant change in criminal arrests that remain to be explained is the visible increase in the arrests of youths across the period. Persons under 21 accounted for about a quarter of the arrests in 1909, more than a third in 1917, and more than forty percent in 1925. This can be ascribed to the drop in public order arrests, which brought to the police some aged unemployed, but it is interesting to note that this movement did not bring with it any special concern about youth delinquency.

Arrest records can also be useful to understand police activity across the city. The pattern of who made the arrests was kept broadly constant, with the Civil Guard responsible for most of the arrests, followed by the Military Police. To a certain extent this reflects the general bias of the sample privileging the city centre, where the smallest Civil Guard was concentrated. The number of arrests by *comissários* and *delegados* was small and concentrated in the categories that received special police attention in specific periods, most noticeably gambling. The *comissários* patrolled the district and found other occurrences but the *delegados* acted almost only in gambling cases.

Finally, it is important while measuring the steps of police procedure, to try to access the subsequent results of the occurrences presented to the police. If the statistical material about arrestees seems to diminish throughout the period, information on further procedure on the cases begin to appear from the mid 1920s. This is not part of the original notes made by the *comissários* but information in the margins written by *delegados* or, more specifically for our purposes, by their clerks, who wrote in the margin the number of the *inquérito* that resulted from the original case. This sort of note is particularly noticeable in 1927, when all the districts present at least part of their cases with further proceedings numbered, and through the numbers of late December we are able to make a good estimate of how many *inquéritos* were prepared by each station through the year.<sup>45</sup> As noted before, the more distant areas seem to have grown in importance, and Méier was the district which prepared more *inquéritos*, with a total of 421, followed closely by Santo Antonio with 418. If we look at the proportion of cases that resulted in *inquéritos*, we can see that the districts with less records seem to have the greater amount of prosecutions; almost fifty percent of

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<sup>45</sup> The numbers were given when a case was concluded and forwarded to the judicial authorities, and not when the events actually happened. Most of the time the interval was short but there are exceptions. The longest interval I have found was in an accident with a boat that resulted in deaths. The original note was on 29/03/1927, but the results of the investigation were sent forward on 26/01/1928. These cases that moved from one year to another might explain some of the blanks in the order. Ocorrências, 5th DP, 29/03/1927.

the cases from Méier and Santa Tereza proceeded to Justice, while the others did not reach thirty percent, Santanna, the busiest district of the sample, forwarding only 20.67%.

Inquéritos in 1927

	Inquéritos	Cases per day	Inquéritos per case
5th DP	361	3.62	27.07
12th DP	418	4.21	27.07
13th DP	108	0.61	47.54
14th DP	339	4.45	20.67
15th DP	262	2.37	29.95
17th DP	153	1.57	26.11
19th DP	421	2.54	45.27

The content of the cases which had some continuity also are important. Although it is difficult to make a claim that 1927 was a representative year, it was part of an upward tendency in police activity, and it seems reasonable to presume that it illustrates the types of criminal activity which would be pursued in the next few years. Using only the numbered cases of São José and Méier, we can build a sample of 264 cases in the first and 361 in the second.<sup>46</sup> For crimes, both districts maintain the pattern common to the whole period of crimes against the person occupying the top place, with 36.36% of the inquéritos in São José, and 29.56% in Méier. Property crimes vary widely, probably due to the difficulties in apprehending criminals who worked in the more residential area of Méier, either catching them in the act or by detective work. Property crimes represent 27.27% in São José, and 7.64% in Méier. In a lesser degree this different approach to property crimes is reflected in cases of prosecution of individuals on suspicion of being prepared to commit property crimes (including cases of carrying weapons, instruments for robbery or unlawful entry): they were 3.4% in São José, and 2.32% in Méier.

Property crime prosecutions in Méier were less than those for sexual crimes, and the prosecutions for sexual offences were about the same in both districts, 7.95% in São

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<sup>46</sup> Data for São José begins on the 12 February, at inquérito 58. From then on, the missing cases are 13%, and in Méier they are 16%. Percentages in the text are over the available cases.

José and 9.96% in Méier. Most of these were deflorations, though there were a number of rapes of minors of both sexes, and a few different forms of immoral behaviour, including one adultery.

Cases involving traffic offences were roughly the same in both districts, being 15.15% and 17.27% respectively. The number of these cases forwarded to the courts is smaller than their share in daily work, showing that many cases were resolved summarily by the police. Even so, they represent a significant share of the total. The other duty that was on the increase in the late 1920s was the investigation of cases of accidents at work, which appeared in 1.89% of the cases in São José, and 4.65% in Méier.

If crimes and traffic do not show much difference from the pattern already found, misdemeanours reflect the transformation happening in the city. The common misdemeanours - vagrancy, disorder, begging and drunkenness - constitute only 3.4% of the cases in São José, but reach 42.19% of the cases in Méier, most of them male vagrancy. This reinforces the notion that policing in the central areas of the city had changed its character from the earlier years, abandoning the public order concern with vagrants and drunkards, or transferring it to the specialized branch of the *Delegacia Auxiliar*. The nine remaining case of public order offenses would probably be accounted for by policemen who found themselves using the law to re-establish or to enforce their authority. Two cases are explicitly classified as disorder and disrespect to a policeman. The more residential and distant areas, in contrast, were facing in the late 1920s the same problems found before in the urban centre. Newly settled middle classes found their new environment upset by idle and disrespectful figures, posing threats to family morals, and had to have such idlers removed by the police.

It is difficult to demonstrate an increase in police activity throughout the period, especially when we come across the poor performance of the early twenties. However, by the end of the decade the police was experiencing an effort to make crime its priority. In

contrast to the attempts of the early period, which relied heavily in providing school training and employing the instruments of modern scientific policing, by the late 1920s the schools had declined in importance and policemen relied on their personal perspective of their jobs, developing their own knowledge of procedures and solutions to the problems they faced. This development of the police ways of working will be the subject of the next chapters.

Table I - Main occurrences found in the Sample

	1909	1917	1925	TOTAL
sick	279	16	7	302
disorder	276	50	23	349
vagrancy	165	23	3	191
begging	13	1	1	15
gambling	9	33	38	80
drunkenness	188	15	0	203
assault	202	269	227	698
flight	20	40	30	90
traffic	151	244	497	892
property	101	249	229	579
fraud	5	31	29	65
defloration	11	38	40	89
abduction	3	8	11	22
minor	34	38	65	137
suicide	10	45	14	69
accident	93	66	104	263
death	63	72	32	167
miscarriages	33	37	7	77
damage	2	3	3	8
fines	3	6	26	35
fire	10	11	20	41
other	41	87	52	180
total	1712	1382	1458	4552
% of total occurrences	87.26	83.05	81.96	84.22
TOTAL	1962	1664	1779	5405

## CHAPTER IV

### APPLYING THE LAW

Until this point, we have been dealing with material derived from police activity, without considering the conditions in which they were originated, and furthermore, how such conditions influenced the outcome of the cases. Basically, we can locate three different sources that constrained or influenced the work of policemen: the authority structure of the police and the state, the public that they met in their daily work, and the set of codified rules which was built to direct their ordinary activity. They also carried with them a set of experiences and world views brought from before they joined the police, that might have influenced their behaviour, but this element is probably the most difficult to recover since we do not have information on the background of policemen, and possibly most of such original views would be superseded by the results of their experience in the police force.<sup>1</sup>

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<sup>1</sup> Social origins have been considered very important to the study of professional groups such as the police or the armed forces. Joanne Marie Klein bases her study of urban police forces in England on their working class experience. I would suggest that, in general, on-job experience is more important than social origins. Joannemarie Klein, Invisible Working-Class Men: Police Constables in Manchester, Birmingham and Liverpool 1900-1939. PhD Thesis, Rice University, 1992.



The influence of the state through the directives issued by the Minister of Justice or more frequently the Chief of Police<sup>2</sup> had an impact mainly on what types of crime were to be privileged by the police, but even in such cases the capacity of *delegados* and *comissários* to interpret and mould the instructions to their interest was considerable. Chiefs of Police were appointed through political connections, and focused their concerns on matters of public order that might have political impact. They also aspired to leave their mark as an effective Chief by proposing, for example, to elaborate reforms to develop the police along more modern or scientific models, but usually they had little to say about the daily tasks of policing. After Alfredo Pinto introduced his reforms of the police and caused a noticeable increase in the intensity of police action, no other Chief was able to achieve the same success, although most of them called for reforms. Some Chiefs saw the levels of recorded activity visibly drop while others could keep it steady or drive the police into one of their short campaigns against what they saw as the city's evils.<sup>3</sup> These campaigns, when the police was asked to carry a banner for the interests - frequently political - of the Chief ended up demonstrating that it was necessary for the Chiefs to have a centralised force to rely upon, since the most effective results they could get were through the action of the *delegados auxiliares*. Centralisation led to the withdrawal of many police functions from

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<sup>2</sup> The relationship between the Minister and the Chief of Police varied according to who occupied these posts. Chief of Police Aurelino Leal suggested to the conference he organised on police and justice that the Chief should be subordinated directly to the president, and he, in fact, already acted as if he was. During 1917, a year marked by labour agitation in Rio, the Jornal do Comércio frequently noted that Aurelino was in conference with the president. Annaes da Conferência Judiciária-Policial, convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal. Rio de Janeiro, Imprensa Nacional, 1918, p.8.

<sup>3</sup> Usually such campaigns appear in the records through arrests. An unusual note on the records reports that following instructions issued by the Chief of Police the *delegado* of the 5th DP called representatives from the clubs located in the Avenida Central - Congresso dos Lords, Cêrcle Federal, Club dos Aliados, Círculo d'Armas, Club Mozart, City Club and Tenentes do Diabo - and gave them thirty days to move. Ocorrências, 5th DP, 5/11/1916.

the stations, or gave them only a secondary role. Aspects of traffic duties, the repression of gambling, or vagrancy, most of the time only passed through the stations, to be forwarded to a *delegado auxiliar* in charge of centralising the action. Such campaigns were not always received with general applause; when the action of the police led to massive arrests there could be complaints about the overcrowded jails in police headquarters, and when specific groups were targeted there could also be accusations of abuse.<sup>4</sup>

The work of local police stations, although also criticised, was not a political issue of the same relevance as actions from police headquarters. Here there was much greater freedom from press complaints or official inquiries. A station could become a centre for forceful action driven by the ambition of a *delegado* aspiring to come to the attention of higher authorities as meriting a better position, but more and more frequently it became a place for men aspiring to a career as policemen, who tried to establish work routines in the stations. This professional police activity, that became the common feature of police stations by the late 1910s, promoted the standardisation of police work, with more or less established ways of interpreting what was expected from the police through the demands of the public and the directives of codified law. In this chapter, we are going to deal with the attitudes derived from the legal system, leaving to the next two the matter of how the police reacted to the demands of the public.

Cases brought to the police, if they involved an infraction of the Penal Code or other criminal law, had to be treated from the possibility they carried of becoming a legal

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<sup>4</sup> The overcrowding of the jail in police headquarters was brought about by an order of the Chief of Police to concentrate there all vagrancy arrests and was criticised by the Gazeta de Notícias, 16/2/1916. After unsuccessful attempts to find the murderer of prostitute Augusta Martins in March 1917, the police resorted to the multiple arrests of supposed pimps, which as usual concentrated on Jews and resorted to the strategy of keeping them in jail to force them leave the country. A writ of Habeas Corpus was petitioned by lawyer Alberto Beaumont, and published in the 'A Pedidos' of the Jornal do Comércio, 26/3/1917. We will return to this case below.

case, and preferably a successful one. In many of such cases, the definition of whether it was a criminal case or not was part of the police function, as in the many cases of assault and brawls, or in traffic accidents with minor or no injuries. In these cases the police evaluated the people involved - offender, victim, witnesses - to assess whether it was worthwhile to go on with a prosecution, or if the police authority should be used to achieve some sort of settlement. Many cases also were presented to the police in the hope that they might make a criminal case, when they were actually civil disputes. Here also the power of the police became a tool for achieving a solution, which the policemen could use if they thought the plaintiffs deserved their interference.

Other cases left little doubt whether they were criminal or not, such as property or violent crimes. The role of the police here was to evaluate if there was an accessible criminal to be charged, or if there was real chance or need to spend police resources in chasing one. Once again the police would take into account who was involved, and, in property crime, they would assess the volume of the loss. If the case had a repercussion on public opinion, the police would try to exhibit their skills in catching criminals. In order to succeed, they developed a method that involved massive arrests, fierce interrogation - which frequently resulted in a confession - and a personal knowledge of a 'criminal class', from which they recruited their arrestees.

#### **a) It came to our knowledge...**

We have already stressed the double character that marked police work. They met in their daily activities a variety of situations but at the same time had to deal most of the time with series of repetitive events. The work of police station personnel was seldom proactive policing, relying most of the time upon information, arrests or complaints brought by the public or by patrolling policemen, and in some cases proceeding to

enquiries after receiving notification from hospitals.<sup>5</sup> All these cases were most of the time similar, making it easy for the *comissários* to proceed in the routinised forms which they soon got acquainted with, and from which they were forced to deviate in only a few circumstances.

It is not easy to assess the scale of police presence in the streets of the city, although in certain periods the Occurrence books included an account of the force available. Nor is it possible to consider the population involved, because the circulation in the city during the day makes it different from any census data. The parish of São José had in the census of 1906 a population of 42,980 inhabitants. The police district of São José was smaller than the parish, but certainly had a huge floating population. There is a very detailed description of the police force employed there daily in 1912: the Civil Guard provided a force of 49 patrolmen but on 20 September, five were on leave, two reported sick, one was kept on duty at the Senate and three were stationed at police headquarters, leaving 38 men, who were divided to patrol in three periods of eight hours. The Military police kept three posts in the area; the first post was manned by thirteen men, of which two kept guard, one did the cleaning, three attended the 5th DP as *prontidões*, two guarded the Santa Casa hospital, and only five were available for patrol. The second post had six men, only two on patrol duty; and the 17th post<sup>6</sup> had ten men and managed to deploy nine on patrol. If we distribute the military policemen in three shifts like the Civil Guard, we find

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<sup>5</sup> The *Assistência* regularly informed the police about treatment of people injured in accidents or wounded. In the first three months of 1917, for example, they issued 347 such reports to the police stations, and assisted 160 medical cases in the stations. Jornal do Comércio, 3/4/1917.

<sup>6</sup> The Military Police posts followed their own numerical order, independent from the Civil Police district division.

that an average of only eighteen men patrolled the area at any one time.<sup>7</sup> Eight years later the patrolling situation had not changed much: one *comissário* was kept on street patrol assisted by one or two agents and six military policemen. They were helped by about fifteen civil guards, fifteen night watches and two cavalry patrols of the military police.<sup>8</sup>

Besides those policemen assigned to the district, there were teams linked to police headquarters that could act in various neighbourhoods, a practice that grew throughout our period. In general, the abusive behaviour of such patrols were as much a source of complaints as a form of locating criminal behaviour. During the 1910s, a team of police agents achieved notoriety in the press for going through the streets and searching people who they considered suspicious:

There was, not very long ago, in the city centre, a team of improvised police agents, formed by military police privates in civilian dress. This team was created by the police to arrest thieves and criminals. They went through the streets in bands, especially in the 4th DP, armed with thick sticks, grabbing and searching the peaceful passers by, because they would not dare to catch any brawler or criminal who would certainly react at such violence. Their many deeds made them famous under the picturesque name of the 'cow-catchers team' [turma do pega-boi]. Later, many of such teams spread across the city, attacking the passers-by, searching and relieving them of the goods or weapons they were carrying. These new groups were formed by daring thieves knowing of the cow-catchers' activities, and in the end the police could not know whether the complaints of the victims referred to the real or the false cow-catchers.<sup>9</sup>

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<sup>7</sup> Ocorrências, 5th DP, 20/9/1912. This number does not change significantly in the next few months. On some days they were assisted by one or two cavalry patrols in the area of rua da Misericórdia and rua das Marrecas, especially during the night shifts. About the same period, on 10/7/1912, the 12th DP was policed by six civil guards in the first shift, eight on the second, and six on the third. There were ten military police privates patrolling between six and midnight, and ten between midnight and six, helped in the first shift by two cavalry patrols. Ocorrências, 12th DP, 10/7/1912.

<sup>8</sup> Ocorrências, 5th DP, 3ff/11/1920. The records of 1912 do not mention the night watch but they probably existed. We should also remember that the main barracks of the military police were in the area of the 5th DP.

<sup>9</sup> Jornal do Comércio, 13/2/1917. See also Gazeta de Notícias, 16/2/1916, criticising the appointment of the commander of the 'cow-catchers' - Lieutenant Limoeiro - as head of the *Corpo de Investigação*.

Most of the time, cases brought by patrolmen followed a definite pattern. There were those related to traffic accidents; the escorting of people who had to pay fines for breach of city ordinances (the most frequent one being urinating in the streets) that the police collected and forwarded to the city officials; and there were arrests either on a specific charge or based on suspicion.<sup>10</sup> When people were brought to the station under arrest, the station officials were essential in deciding whether a charge would be brought against them or not. According to the law, the *delegado* was the authority empowered to make such a decision, but in fact, the *comissários* exerted strong influence, since they were the officials who prepared the case to be presented to the *delegado*, and the way they carried out their duties could certainly influence the results.

Many other cases came to the police from complaints made by citizens. In spite of the general criticism of the police, even the hatred exhibited on some occasions, members of the public of both genders and all ages were willing to resort to the police when they found it necessary. There were certainly those who thought it improper or undesirable to go to a police station, such as the infuriated Dona Leonor quoted in the last chapter.<sup>11</sup> They could use the resource of the anonymous letter or phone call for a denunciation, or when directly involved they could simply refuse to identify themselves. Victims, especially in

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<sup>10</sup> The status of the arrestees could be of two types: arrests properly said could only occur when someone was caught in the act of committing an offence, or after an order by a magistrate. Detainees were kept in the station to provide explanations for some fact that might lead to a charge, and often this was used as the punishment itself. It is not easy to separate the two categories from the reports in the occurrence books, apparently the police deliberately confused the issue to increase the pressure on the detainees. A clarification was given after the police detained drunk German architect Hans Passamer. He was released next morning but since he was not under arrest nobody remembered to return his money. Ocorrências, 5th DP, 3/1/1913.

<sup>11</sup> Although we are going to show later that the presence of women in police stations was common enough, the number of cases where they were represented by husbands is large enough to recognise that for many people women and police did not mix.

traffic cases, frequently refused the help of the police, finding it unpleasant to be involved in police matters, or wary of the discomfort of being involved in judicial cases. Some assumed responsibility for the accident, some promised to go to the station and disappeared; and many children simply opted to run away.<sup>12</sup> The attempt to help could end in the policeman being abused; when a civil guard went to the house of the minor Nelson Guimarães, hit by a runaway car, to see if he required assistance, 'he was mistreated by the minor's father, who said he was a doctor, and that the intervention of the police was not necessary'.<sup>13</sup>

In some cases the victim was not interested in police proceedings, either not blaming the offender or aware that a prosecution could put him in some difficult spot. After a big fight in the Congresso Universal, 'a low dance club' at rua de Santanna 55, the police arrested everyone unable to run away in time, and among those was military police private number 244, from the neighbouring state of Rio de Janeiro. He was involved in the conflict, wearing his uniform and carrying his gun, and received a wounding in his hand that he tried to hide, 'showing a false and absurd surprise when we made him take his hand out of his pocket and reveal the wound'. Apparently he was wounded when trying to disarm a friend while they were involved in the brawl. A prosecution would mean the arrest of his friend and also put him in a very awkward position, having to explain to his superiors why he was drunk, fighting, armed, and in uniform.<sup>14</sup>

Policemen certainly were not pleased by the victim's refusal of their assistance, but even worse were the difficulties presented by witnesses. If a victim could willingly

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<sup>12</sup> Augusto dos Santos, black, 14, was hit by a tram but ran away on the way to the station. Ocorrências, 14th DP, 25/2/1925. See also 5th DP, 2/3/1917.

<sup>13</sup> Ocorrências, 15th DP, 19/3/1917.

<sup>14</sup> Ocorrências, 14th DP, 15/12/1918. The report of *comissário Campos* is very long, complaining against the dance club and the military police that refused to hold the prisoner.

drop his case and in so doing relieve the policemen of some extra work, the problems in obtaining witnesses did not reduce the work but made it more complicated. When Western Telegraph messenger Antonio Alves Ribeiro Neto was the victim of a hit and run driver, he was assisted by a woman who lived the street where it happened; but she refused to identify herself. The police inquiry had to begin by finding her identity.<sup>15</sup> After some shots were heard at rua da Lapa, policemen invited some passers-by to the station to tell what they had seen; but 'this was done with great difficulty because they thought they were being arrested'.<sup>16</sup> Such cases could involve tragic circumstances, when the *comissários* would write indignant notes about the behaviour of witnesses. On 29 March 1925, a tram hit and killed Josino José da Silva, a nine year old street peddler. The driver ran away after hitting the boy abandoning his tram over the body; it was necessary to get a crane to remove it. The *comissário* complained about the indifference of the passers-by:

In spite of the large movement of passers-by at the hour when the accident happened, it was impossible for the aforementioned policemen [who attended the accident] to find any witness to the regrettable disaster. All persons I questioned on the scene declared that they did not see the accident. However, overcoming the ill will of people who definitely watched the accident but refused to make a statement, we have been able to find [three witnesses]...

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<sup>15</sup> Ocorrências, 17th DP, 18/3/1925. This is other instance of the view of some 'respectable' women that they should not mix in police matters. The location of such witnesses, with addresses known, was not a real problem but certainly did not please the policemen. When Maria Dulce or Anna Dulcher apparently committed suicide by shooting herself, the police was suspicious because there was doubt whether her married lover was inside the house or outside, as he said, when the shot was heard. The ladies next door declared that he was inside but 'when asked for their names they refused, saying they did not want the police to go there looking for them'. Ocorrências, 19th DP, 3/4/1924.

<sup>16</sup> Ocorrências, 5th DP, 27/8/1921.



In fact, his witnesses were the father of the boy and two policemen, and not exactly passers-by.<sup>17</sup> The reticence of witnesses could also be a result of fear, as in cases that involved policemen. When Acácio Gomes da Silva was found shot in the Castelo Hill, all he could say was that he had been shot by a military police soldier, black, short and stout. *Comissário* Balthazar da Silveira investigated the case and focused on the soldier Hipólito da Silva Maia. He found three witnesses who were vague about the identity of the soldier: 'To me, these gentlemen identified Hipólito as the soldier who ran down the hill but they will not state it clearly, possibly because of some unfounded fear'.<sup>18</sup>

The main complaints brought by the public were the usual criminal problems such as assaults, thefts and deflorations, but there were also complaints about general public order issues, vagrants or disorderly groups gathering in public places. At least part of Rio's population joined the moral crusades for public order and complained about vagrants and idlers gathered to play football or gamble, the noise of *sambas* going through the night and the practice of Afro-Brazilian religions. Such cases were, most of the time, too general to awake the interest of the police who could sometimes afford to post a policeman in the street where vagrants used to gather or play, temporarily moving them away. The *sambas*, like other forms of popular entertainment, had to be tolerated but were looked on with distrust, and were long feared as occasions for serious brawls, resulting in wounds and

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<sup>17</sup> Ocorrências, 14th DP, 29/3/1925. The use of policemen as witnesses was common practice, but they faced the mistrust of Judges. The same practice and problems was noticed by Stefan Petrow in the prosecuting of prostitutes by the Metropolitan Police. Stefan Petrow, Policing Morals: The Metropolitan Police and the Home Office 1870-1914. Oxford, Clarendon, 1994.

<sup>18</sup> Ocorrências, 5th DP, 10/4/1920.

deaths.<sup>19</sup> Opposing groups faced each other in the dances - or in the streets during carnival - and disputes frequently led to armed conflict.<sup>20</sup>

Most public order complaints, however, originated from people directly involved in disputes with the accused, who often embroidered their complaints with references to witchcraft, Afro-Brazilian music or immorality. Raul Gomes Ribeiro complained about Laudelina and Vitalina who lived in the basement of his house, and 'constantly make *candomblé*, and insult his family and the landlady. They also burn incense which bothers everyone'.<sup>21</sup> This was all part of the painstaking task of handling neighbourhood disputes, petty cases from the police point of view, but very important to those involved and which

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<sup>19</sup> Police attitudes towards popular music seems to vary. *Comissário Campos* was indignant after some agents arrested, searched and beat up two men who were playing tambourines, 'when it is known that the police have authorised such carnival playing'. *Ocorrências*, 14th DP, 2/3/1916.

<sup>20</sup> A few examples can be given here, separated by almost twenty years: in January 1909 the ball of the carnival group *Grêmio do Amor* degenerated into a fight which ended in many arrests, one shot dead and many wounded by shots or razors. *Ocorrências*, 14th DP, 2/1/1909, and *Jornal do Comércio*, 2/1/1909. During the next carnival, on the Castelo Hill, the groups [cordões] *Golden Castle* and *Freedom Star* met each other and fought. The president of *Golden Castle* was able to get hold of the standard of his opponent but ended up being shot. *Ocorrências*, 5th DP, 24/2/1909. In September 1927, during a *samba* in the *Matriz* hill, the local group clashed with a group coming from the suburb of *Dona Clara* [including *Mocorunga*, *Paracamby*, and *Mineiro*]. It ended with two people shot and five arrested. *Ocorrências*, 19th DP, 26/9/1927.

<sup>21</sup> *Ocorrências*, 19th DP, 31/1/1925. *Candomblé* was one of the forms of Afro-Brazilian religion; its repression by the police was a very complicated process because many policemen must have been linked to these practices. Orestes Barbosa lists among the practitioners the secretary to the Chief of Police. Orestes Barbosa, *Ban-Ban-Ban*. Rio de Janeiro, Benjamin Costallat & Miccolis, 1923, p. 195. Yvonne Maggie, *Medo do Feitico: Relações entre Magia e Poder no Brasil*. PhDiss, Universidade Federal do Rio de Janeiro, 1988, part I, shows that repression of Afro-Brazilian religion in Rio was extremely mild until 1927, when a special *delegado* was empowered to prosecute illegal cults; action that remained intense until the late 1930s.

could escalate into complaints and counter-complaints, insults and fights that upset the police station. The cause was frequently the unavoidable consequences of sharing the urban space: Captain Martins, of the military police, presented a complaint against the dwellers of the shop on the ground floor of the two-storey house where he lived, who insulted him and his wife. He believed the motive was the noise made by his eleven children, 'mostly girls'; but that was natural and unavoidable in a family house.<sup>22</sup>

Children were the cause of many such disputes, fighting among themselves, throwing stones, often ending up being threatened or beaten by neighbours, which led furious mothers to raise hell in the nearest police station. Few of such cases deserved space in the press, unless the conflict escalated or involved persons of respectability. Such was the case when Navy Lieutenant Roberto de Alencar Osório slapped the seven year old son of his neighbour. The neighbourhood was immediately incensed against him and he locked himself at home, arguing that his rank of military officer exempted him from being taken to the station. The next day his behaviour was publicly condemned by the *Jornal do Comércio*.<sup>23</sup> Policemen got involved in such conflicts, not only as part of their job, but also because they shared with other people the same housing and problems. Their practice in managing conflicts was an asset that many people - and often the policeman himself - valued, putting them in the middle of disputes. The value of owning a share of authority in a dispute was enormous, and that led not only policemen to get involved, but also to many

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<sup>22</sup> Ocorrências, 14th DP, 9/1/1917.

<sup>23</sup> As a military officer he had to be accompanied to the police station by another officer of equal or superior rank. The policemen clearly recognised his position of authority when they did not try to arrest him but only invited him to go to the station. Ocorrências, 19/3/1917 and Jornal do Comércio, 19/3/1917.

claims by parties to be either policemen or military officers.<sup>24</sup> The unofficial action by a policeman could cause resentment and reaction from one of the parties: when military police private Oswaldo José da Silva went to look for his neighbour Luiz Gonzaga Tinoco, who had mistreated a boy for throwing a stone at one of Tinoco's animals, the conflict became a fight and he was shot by Tinoco and his wife.<sup>25</sup> But such interventions could also provide support for actions which were at least doubtful in face of the law: Antonio Fontes Jr. used force to take his two children from school and escaped in a taxi, while his wife tried to stop him. He evaded further problems by depositing the children at the house of Major Pires Vaz, clerk of the 8th DP. In view of the children being well treated, in the house of a fellow policeman, the *comissário* decided not to apprehend them, and let the parties attempt an agreement.<sup>26</sup>

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<sup>24</sup> This could lead to peculiar battles of uniforms: when a doctor intervened in a dispute in a rooming house, reproaching the caretaker for his behaviour; the caretaker put on his honorary army officer uniform and decided to arrest the doctor. But the doctor revealed himself as a navy medical officer, claimed he was of a superior rank and arrested the caretaker. Ocorrências, 12th DP, 30 and 31/1/1917.

<sup>25</sup> Ocorrências, 19th DP, 18/5/1927. Being a policeman could bring a different outcome to daily experiences of urban conflict: *comissário* Paulo Filho was following some suspicious characters when they stopped at the railway station café. He ordered a sandwich and was shocked when he saw that an employee left his dishwashing task to cut his bread. He called the manager and suggested that the manager should order his employees to wash their hands before dealing with food. The manager did not care to his complaint, even after he identified himself - 'he said the fact that I was a police *comissário* was of no importance at all'. In this case the manager ended up in jail for the night. Ocorrências, 14th DP, 10/8/1922.

<sup>26</sup> Ocorrências, 19th DP, 26/4/1927. It was not unusual to policemen to handle disputes over children. Leopoldina Salles lost custody of her child to the father, and started fights when she went visiting him. The police arranged to the visits to happen in the 14th DP station. After one of the visits, on 6 October 1918, she attempted suicide in the station. Ocorrências, 14th DP, 6/10/1918.

Conflicts involving disputes among neighbouring families were complemented by conflicts inside the families. The impression which the police had of the domestic life of the poor was rarely a positive one. They were always pestered by complaints involving husbands and wives as well as unwedded couples. Other members of families also squabbled and complained to the police: brothers fought for love or money, relatives could take children away and refuse to return, and a wife could even learn of her husband death in his mistress' house, with the mistress making sure that she kept all he carried, jewels and a Mauser pistol.<sup>27</sup>

Couples created most of the problems; they squabbled over children and property, both carried away suddenly in a broken relationship. The tailor Rochinha, of Alfaiataria Chic, could not bear to be separated from his two daughters, and threatened to kill his wife; João Temponi arrived home to find that his companion of ten years had gone, taking with her their five children.<sup>28</sup> Others, like Hercília Alves de Escobar and Salvador Sarpa, arrived home to find a lover gone with all the money and clothes, if not also all the furniture.<sup>29</sup> These cases constituted the substance that generated so much domestic violence, culminating in crimes of passion, and that shaped the police view of domestic world. Submerged in such petty disputes, policemen at least could have an understanding of people who actually did something, instead of expecting the police to arbitrate every domestic crisis. On many occasions, policemen were not able to manage even their own domestic crisis; they appeared among those accused of wife/mistress beating or murder. After all, their role as policemen itself was proof that force could be a solution.

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<sup>27</sup> Ocorrências, 19th DP, 10/2/1925. His title of member of the Carmo, a religious brotherhood, also was listed as stolen.

<sup>28</sup> Ocorrências, 19th DP, 5/3/1925, and Ocorrências, 12th DP, 12/2/1925, see also 19th DP, 9/2/1925.

<sup>29</sup> Ocorrências, 14th DP, 30/3/1925, and 15/2/1917.

These cases bear testimony of the poor conditions of life in many quarters of the city. Children and spouses were not the only cause of the frequent neighbourhood disputes that ended up in the police stations. Many cases involved the rooming houses that were shared by many families. All sorts of crimes happened in these houses, where petty theft and fights were commonplace. One simple way of locating some of such houses is to go through the records of arrests; at Ladeira do Castelo 14, for example, six people were arrested during the first three months of 1909 in five different cases, four accused of public order offences and one of assault.<sup>30</sup> Others appear in a series of complaints, such as the house at rua Propícia 51. On 22 January 1925, the tenant Julieta Miranda Cardoso complained that two other tenants - mother and daughter - beat her with a belt and a broom. They insulted the policemen sent from the station. Five days later, the caretaker appeared in the station to file a complaint against other tenants 'who do not behave with proper morality'. On 12 February, it was the turn of Alexandrina da Silva Santos to complain about the behaviour of her husband; while she was absent, he moved all their furniture to the same house at rua Propícia, where he settled with another woman, 'with whom - so the plaintiff has heard - her husband was also married in the village of Rio Bonito'.<sup>31</sup>

The rooming houses introduced other elements into the disputes that could involve the police, namely the figures of the landlord, his representative, or both. The complaints, even when focusing on behaviour and morality, had a financial interest that might create a difficult position for the police. There were simple cases of theft, when administrators or employees ran away with the rent money, but most of the time we see the police receiving

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<sup>30</sup> Ocorrências, 5th DP, 09/1/1909, and 10, 25, 27 and 31/3/1909. The house of rua dos Arcos 60 is quoted as the address of arrestees in the three sampled years; two cases of fighting in 1909, one of disrespect to a policeman in 1917, and one assault and a property crime in 1925. The number of arrestees in 1909 living in houses in this street was ten; rua da Misericórdia appeared as the residence of thirty-three arrestees.

<sup>31</sup> Ocorrências, 19th DP, 22 and 25/1/1925, and 12/2/1925.

complaints about unpaid rents or insults, assaults, or other forms of pressure motivated by the absence of payments. The police had to deal not only with peculiar forms of pressure, not easily treated through the codified rules, such as locked doors, water thrown into rooms, supplies cut, furniture removed from rooms and left outside the house and so on, but they were also called to participate - and possibly derive a profit from it - as one of the most effective pressures that could be put on a tenant.

Like landlords, many other people came to the police with complaints that were scarcely police matters. Cases pending civil court decisions, or more suitable to this type of intervention, were presented to the police by individuals in search of a quicker form of redress. People loaned things and could not get them returned, partners seized parts of business properties as guarantee of debts, builders stop work demanding more money, all such things ended up on the *comissário's* desk. The gamut of tasks which people expected the police to perform dealt with most aspects of their public and private life, whenever they felt that they had reasons to ask for redress; and this is the point to investigate what the police actually did.

## **b) The steps taken**

A complaint or an arrest was only a first step, which could start moving the complex structure of the criminal justice system. At the hallway of the system were the *comissários* and *delegados*, deciding the destiny of the many cases, and whether or not they deserved to be put through the machine. Such power was widely acknowledged, and those who had to, or decided to, employ the police would as far as possible take steps to influence the balance in their favour. The police station was the universe of possible

redress, but also of the malicious prosecution.<sup>32</sup> As noted above, disputes involving tenants could involve complaints and counter complaints, or after an ineffective charge, another stronger one could be brought. Such cases sometimes deceived the *comissários*, who reacted almost automatically and found themselves in the middle of a feud. *Comissário* Ladislau Alves received a call from the caretaker of a rooming house at rua Menezes Vieira 128, informing him of a mad woman who had assaulted a pregnant neighbour. He called the 3rd DA and asked for a car to conduct her to Police Headquarters for examination, the normal procedure in cases of madness. At Police Headquarters it was verified that she was sane, married to a Civil Guard, but involved in a dispute with the caretaker and other tenants. On the same day, Maria Soledade Delgado de Boiteux complained that her landlord was throwing water into her room. Probably she did not get the response she expected from the police because two weeks later she was back, complaining of the theft of her jewels and indicating that her suspect was the landlord, to whom she owed 25\$000 of rent.<sup>33</sup> A similar problem was faced by the Civil Guard Álvaro Nobre da Silva; his neighbour complained that he insulted him. In this case the *delegado* gave instructions to *Comissário* Gouveia Jr. to inquire and he reported on the margin that all the information he had obtained was favourable to the guard. About a month later the landlady complained that pipes had disappeared and she suspected the same guard.<sup>34</sup>

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<sup>32</sup> I use the term prosecution to make clear the relation with Douglas Hay's study of malicious prosecution in England. Of course here the prosecution - in the full sense of the word - would depend on the police. But as citizens resorted to private prosecutions to serve their interests in nineteenth-century England, in Rio, their way of doing harm to opponents was through the police, and without having to incur any expense. See Douglas Hay, 'Prosecution and Power. Malicious Prosecution in the English Courts, 1750-1850'. In Douglas Hay & Francis Snyder (eds.) Policing and Prosecution in Britain 1750-1850. Oxford, Clarendon, 1989, pp. 343-395. See also the article by Jennifer Davis in the same book.

<sup>33</sup> Ocorrências, 12th DP, 5 and 20/2/1917.

<sup>34</sup> Ocorrências, 19th DP, 11/2 and 5/3/1925.



Policemen certainly were aware of the possibility of being used, and did their best to avoid it. They tried to keep control of the development of cases in their own hands, applying their values and evaluations. After discarding those cases which required only immediate response, the sick, the mad, the dead, or the lost, the next question was if the case involved a possible criminal offence. When the case did not involve criminal offences, the police could still take some action, whether for some personal profit or to establish links of clientelism, up or down the social scale. If the plea came from members from the elite, there was no good reason for not helping, since there was always the possibility of exchanging favours later. The military aide to the Minister of Justice, Lieutenant Marques Polonia, had a problem in his house; a neighbouring paper mill was emitting fumes and covering the nearby houses in coal dust. The police was ready to conduct an inquiry on which a future claim could be based, although the managers of the factory were probably ready to consider settling the matter out of court.<sup>35</sup> When a plea came from poorer quarters, the police seized the opportunity to develop new links of gratitude with people of the area, which was one of the advantages of the job. The *delegado* of the 19th DP, Peregrino de Oliveira, tried to help when an army sergeant presented his complaint: his fiancée had been photographed in a studio, and was surprised to find out later that the photograph was being exhibited in the shop window. She argued with the photographer, who promised to remove the photograph, but never did it. The dispute must have been running for some time: according to the sergeant, she had even had the occasion of finding the window

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<sup>35</sup> Ocorrências, 19th DP, 31/7/1927. The manager recognised the damage and said he was very sorry but there was nothing he could do. Living in a suburban neighbourhood, lieutenant Polonia probably made the best of his authority: on 27 December 1925 he interfered in a fight, protecting one of the fighters, issuing orders to the police on how to proceed. The *comissário* in charge - Fagundes Gaertner - felt a bit uncomfortable because the witnesses available told a different story from what lieutenant Polonia had reported (he did not go to the station because he was sick, although he had been in the place of the conflict). At the end, the *comissário* decided not to arrest the lieutenant's friend in *flagrante* pending the presentation of witnesses in his favour. Ocorrências, 19th DP, 27/12/1925.

broken, and took the opportunity to remove the photograph, but only to find it replaced later. He got the *delegado* to interfere, calling the owner of the studio and counselling him to remove the photo. The photographer did not agree with the *delegado*'s ruling and kept the photograph. Faced with such disrespect to his authority, the *delegado* sent the *comissário* to take it out and to call the owner to the station again. The *comissário* went to the shop where he met the owner's father-in-law, who replied rudely that he could not remove the photo since he did not have the keys to the shop-window, but would not do it even if he had. His behaviour led the *comissário* to arrest him, and, subsequently also the owner, who arrived and declared that he would not remove the photo, and would take the case to the Ministry of Justice, where he had a very good friend. After this he threatened the *delegado*: 'I will show him...' Probably many of such cases were not recorded, this one being special because the police faced a reaction, and resorted to an arrest.<sup>36</sup>

Settling disputes was part of the daily routine of the *delegado*, who held a daily audience where he heard parties in conflict and, like a court, used his authority to establish an agreement. This exercise of power was not derived from any written law, but was well in accordance with a society where authority and power ran through the clientelistic channels.<sup>37</sup> In a sense, the police station assumed the role of first judicial instance, using its power to call other judicial authorities to back its attitudes. The same power was deployed when faced with a possible crime, the police often preferred to administer its own local punishment. Arrested 'correctionally' is common language in the Occurrence books: it meant that the person arrested was to be punished by a spell in police custody.<sup>38</sup> It is

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<sup>36</sup> Ocorrências, 17th DP, 2/2/1927.

<sup>37</sup> This paralegal role of the police, replacing the courts, still exists. See Luciano de Oliveira, Sua Excelência o Comissário. MA Thesis, PIMES, Recife, 1983.

<sup>38</sup> For example, agents of the 4th DA arrested the 'fallen women' [decaídas] Vicentina de Souza, Maria Magdalena, Lúcia Lemos and Aurélia Barbosa, for immoral behaviour. 'They were all put in jail for correction'. Ocorrências, 19th DP, 18/1/1927.

difficult to know how long they were kept, most of the time it was probably only for the night - especially in cases of drunkenness - or even less, but known thieves, vagrants or pimps could be kept longer. When five people escaped from the jail of the 15th DP, on 18 July 1921, one of them - Manoel Vieira Jr. , known as the '140' -had been there for a week, after being arrested for stealing a chaise longue and a basin.<sup>39</sup>

After an arrest, which presumed a crime, the *delegado* was supposed to assume control, and determine the measures necessary to prepare a good case to be forwarded to the public prosecutor. But since he relied on information from the *comissário*, this official had some margin of manoeuvre to influence the outcome. The *Jornal do Comércio*, on 8 February 1917, complained about the behaviour of *comissário* Otávio Passos, at the 5th DP, who refused to record an arrest in *Flagrante delicto*, when a fire service captain assaulted a lawyer [curiously, not named throughout the report], in spite of six witnesses. The *comissário* argued that there was no legal foundation for the arrest, since the captain was not seeking to escape, and released him. The plaintiff went to the 2 DA but *comissário* Passos had already phoned a report and all that could be done was to open an *inquérito* about the *comissário*'s behaviour.<sup>40</sup> In such cases the power of the *delegado* was thwarted by the sloppy work of his assistants, and it is possible that many of the cases of victims not being found happened because there was a wrong address on record, at least in some instance this was due to the *comissário* [sometimes also the victim might have intentionally given a wrong address, and we cannot discard the hypothesis that the policeman in charge of the search deliberately failed to find the person]. But acting against the wishes of his

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<sup>39</sup> Ocorrências, 15th DP, 18/7/1921. One - the 'Codfish' [bacalhau] - had been arrested two days before for punching a mute; another had been held for a day, after being accused of stealing a pair of shoes and an alarm clock. The last two had not being recorded.

<sup>40</sup> In fact, this case is not even recorded in the Occurrence Books. Nothing happened to the *comissário*, who continued working in the district for years. *Jornal do Comércio*, 8/2/1917.

superior probably was not a frequent case; most of the time the *comissário* would probably prefer to write the occurrence in a fashion to influence the thinking of the *delegado* in the 'right' direction. Indications of the *comissário's* thinking may sometimes be found in the headings some of them used for the occurrences. When Augusto dos Santos threw a hammer at some children who were teasing him, hitting 10 year old Benedito Pereira in the head, the occurrence heading stated 'accident'. When Paulo Antonio de Souza assaulted his mistress, Maria Rita da Cruz, the *comissário* thought it proper to record the case as 'disorder', classifying the behaviour as an offence to the public, rather than as an assault.<sup>41</sup> More effective, however, was the way the *comissário* could structure the narrative of the events, either playing up or playing down the responsibility of an accused. This was particularly apparent in cases involving violence, from murder to accidents, when the *comissário* allowed his own feelings about the reasons for the events to appear in his report. Preparing the evidence for a case could help to shape the results, and the *delegado* also had an influence here; when the merchant João Ferreira Silvestre, 45, white, Portuguese, tried to shoot his wife's lover in front of a brothel at Beco dos Carmelitas 16, he wounded instead a baker who was passing, and according to the *Jornal do Comércio*, the *delegado* showed his respect for the offender's lawyer, by 'allowing him to dictate to the clerk the statements of those involved and of the witnesses'<sup>42</sup>

The key question to be addressed is: what made a policeman wish to be more or less harsh against offenders? Certainly the first element in the answer, as can be inferred from the case above, was the social condition of those involved. It was advisable to be deferential to members of the elite, but even in these cases it was necessary to observe some limits, established by the informal rules that regulated the behaviour of both parties.

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<sup>41</sup> Ocorrências, 15th DP, 16/2/1925, and Ocorrências, 13th DP, 1/2/1909.

<sup>42</sup> Ocorrências, 13th DP, 25/1/1917, and Jornal do Comércio, same date. The case was further confused because the accused's wife confessed to the shots.

Lawyers, for instance, commanded some respect, being part of the due process of law, and moreover, sharing the professional training with the *delegado*. But they had to behave properly to obtain their respect; Inácio Moreira Campos was arrested for disorder and drunkenness culminating in assault. On arrival at the station, he declared himself to be a lawyer and made a big hullabaloo, which only helped him to end up in jail.<sup>43</sup>

Members of the more common and humble public could not depend upon such almost automatic deference. Quite on the contrary, they had to show respect in order to obtain the favours of the authority, or - when in trouble - to avoid worsening things with a charge of disrespect [art. 134]. Alfredo de Souza appeared in the station with a complaint against a neighbour who had assaulted his eleven year old daughter, but when the accused was brought to the station, Alfredo acted so threatening, that he was kept under arrest.<sup>44</sup> The Spanish shop employees, José Gabro and Manoel Lima, reacted against a civil guard admonition not to swear in the street at 1 a.m., and arrived at the station still swearing at the *comissário*, 'manifesting the disrespect dealt with by the item of article 134 of the Penal Code'.<sup>45</sup>

A poor person's demeanour in front of authorities was not the sole reason for problems. They were first judged by their appearance, and frequently taken to the station if they carried packages at night, and failed to provide an explanation to the satisfaction of the beat policeman: Adélia Maria da Conceição was found in possession of jewels which she said she had found, and which the police decided to retain; Manoel Tibúrcio had two harmonicas; Sebastião Machado was prosecuted when found with a crate of port wine

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<sup>43</sup> Ocorrências, 19th DP, 9/3/1925.

<sup>44</sup> Ocorrências, 19th DP, 13/3/1925.

<sup>45</sup> Ocorrências, 12th DP, 29/3/1917. The item of article 134 raised the penalty by a third because it was committed inside a public building, i.e., the station. Jair de Castro, a taxi driver, found himself in jail after he hissed at a policeman while he was admonishing a fellow driver. Ocorrências, 14th DP, 27/2/1917.

bottles; Ely Fontes had to come up with a good explanation for why he carried a typewriter at 11 p.m.; and Angelino de Lima was at pains - in fact he seemed to be drunk - to explain that the package of cloths which he was carrying were his night watch uniform, that he was intending to return after deciding to resign.<sup>46</sup>

Suspicious persons were associated with the image of the vagrant, and had to prove that they had an address and that they exercised a profession. Even though actual prosecutions for vagrancy fell during the first quarter of the century, the category remained the catch-all charge for the police when people appeared for some other reason difficult to prosecute, and inquiries about employment and residence had to be made. In the police's quest for order, having a proper residence and a regular occupation meant an acceptable place in society. But the logic of the police was not only that those without job or residence were suspect; the contrary was also true, suspects should not have jobs and addresses, and the *comissários* expected suspects to provide false information. Arrests record both employment and address but the mistrust of the recording officer is frequently seen by the use of the words 'he said his profession is...' or 'said to live at...' Sometimes the suspicion was wrong, and would spoil a case: on 26 March 1927, the *comissário* on duty at the 19th DP received a phone call at 11:30 p.m., complaining about disorder at rua Adriano. He sent a policeman who reported that a group of brawlers had run away when he arrived, but that he was able to identify the leader of the gang as a certain Moacir, known as *Abobrinha* [Courgette], who lived at rua Magalhães Couto. The *comissário* issued orders for his arrest. On the next day, the new *comissário* on duty recorded the arrest of Moacir Padilha, the *Abobrinha*, Brazilian, 21 'while loitering, without having a residence or employment'. The problem was that, in fact, Moacir had both residence and employment, the initial reason for his arrest was ignored, and the *delegado* ordered his release.<sup>47</sup> Being able to prove

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<sup>46</sup> Ocorrências, 15th DP, 23/1/1909; 5th DP, 4/3/1909, 16/1/1917, and 28/3/1917; 14th DP, 9/1/1909.

<sup>47</sup> Ocorrências, 19th DP, 26 and 27/3/1927.

employment, or finding someone respectable to vouch for him, could save a suspect from prosecution. João do Jesus de Souza was entering the alley where he lived when he faced a man sneaking out, holding his pair of shoes. There had been some thefts in the alley, and João invited the man to follow him to the station. There, the man identified himself as Antonio Medeiros, residing at Avenida Paulo de Frontin 358, and an employee of J. A. Lima & Co. He explained that he was after a woman who had entered that alley. The *comissário* held him for further enquiries, but released him after a priest, who lived in the same house as him, vouched for his identity.<sup>48</sup>

In order to conform reality to their operational procedures, the police began to create its own criminal classes from the large stratum of the poor.<sup>49</sup> After getting caught on a minor charge, individuals were identified by the police as members of the dangerous part of the population. They were photographed, had their fingerprints taken, and were taken to the *Corpo de Segurança*, where the new found criminal was exhibited to the agents for subsequent recognition. The feelings of the 'criminal' and the suggestion of the corruption of the police were expressed in the memories of a con-man:

... [I was] sent to the famous agent's room. It was revolting to have to stand there! My face was read by all agents; every day, those fellows would not leave me in peace; it was decreed that I could not operate subtly and alone any longer; I would have to pay backhanders to all those

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<sup>48</sup> Ocorrências, 17th DP, 1/3/1927.

<sup>49</sup> As Peter Becker correctly notes, the police view of criminals 'was usually not the product of some protracted research effort, but rather a rationalisation of their own practical experience and observations in the field of policing'. This practical mastery makes policemen extremely resistant to scientific knowledge, generated outside their experience. Peter Becker, 'Changing Images: The Criminal as Seen by the German Police in the Nineteenth Century'. History of European Ideas, 19, 1-3, p.79.

mastiffs that looked me with that look that now I was a criminal, beyond any doubt. ... I had set my foot in a terrible machine, from which you never escape<sup>50</sup>

Most of those identified as criminals did not share the celebrity of Dr. Antonio, but suffered the same fate and from then on had to face arrest for being a 'known criminal', or to be identified in the station with the note: 'He is known to the agents'.<sup>51</sup> It was part of a policeman's assets to 'know' his criminals. The records are full of nicknames, exhibited as proof that the policeman is able to identify his man, beyond the cold information of identification procedures.

The stigma of being known to the police had very unpleasant consequences when they did their round-ups of the usual suspects, either after a crime or when the city approached festivities and other occasions which meant crowds gathering in the streets, periods which the police preferred to face without those considered as trouble makers wandering around. This meant that these individuals were in and out of the police stations; they might spend a few days in jail and could even face an eventual prosecution, although their return to the streets is the evidence that they were not kept for long. Those submitted to regular arrests usually disappear after some time; probably looking for a place where they would not be 'known to the police'. There are only few cases in which a man appears with different arrests during a long period of time. Estanislau Alves Pereira was arrested on 17 January 1909 for disorderly behaviour, and appeared again six years later, on 1

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<sup>50</sup> Dr. Antonio, Memórias de um Rato de Hotel. A Vida do Dr. Antonio Narrada por Ele Mesmo. Rio de Janeiro, 1912, p.37. This book of articles reprinted from the press was attributed to a famous con-man. João Carlos Rodrigues discusses the possibility of this 'memoir' having been written by João do Rio. 'Memórias de um Rato de Hotel. Um Inédito de João do Rio?' Letras & Artes, sep. 1990.

<sup>51</sup> For example, Euclides do Nascimento, alias Euclides Maluco [crazy], was arrested by a civil guard when trying to sell two jars and a plate. The guard knew him, 'having already arrested him as a thief before'. On the way to the station they fought, the guard's coat was torn, while Euclides was hit on the head by the guard's truncheon. Ocorrências, 5th DP, 17/3/1927.



February 1915, on a charge of assault, after throwing a stone at an army sergeant. In 1909 he had an address - one of the rooming houses at Praça da República - and a job - domestic servant. Six years later he fitted more properly the police stereotype, and was classified as without address or occupation.<sup>52</sup>

A different type of habitual arrestee was the brawler who made fighting, especially with the police, an occupation. The role, which was fulfilled in the late nineteenth century by the *capoeiras*, reemerged in the 1920s, around the bohemian cafes of Lapa, in the figure of the *malandro*. One good example is Jeronimo Lopes, known as *Moleque Lopes*. His first appearance in our records was his arrest at 5 a.m., on 14 January 1925, in the red light district, when being disorderly with his fellows *Sabonete* [soap], Bento, Delfim and *Ratinho* [Little mouse]; proper identification remained unrecorded because they all refused to provide any information. The *comissário* added to the note that they continued to behave in an unruly manner in the district jail, trying to break the doors, but the case does not seem to have gone ahead, the *delegado* only wrote his *visto*.<sup>53</sup> It did not take long for him to appear on record again, when he caused a night chase after shooting a military police private and running away. This happened at 3 a.m., on 22 February. The police surrounded a house where they suspected he was hiding; but when they searched it in the morning he was not found.<sup>54</sup> He was arrested again two years later, accused of disorder and threatening behaviour at the Café Oceano, where he was threatening the owners with his stick. Apprehended and brought to the station, it was clear that he had not lost his dislike of the police: he kept making a noise by striking the bed against the floor, and when the *comissário* decided to transfer him into a safer jail, he

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<sup>52</sup> Ocorrências, 5th DP, 17/1/1909 and 1/2/1915.

<sup>53</sup> *Visto*, literally meaning 'seen', or *ciente*, meaning 'informed', were the usual words written by the *delegado* when he thought no further procedure was necessary, but wished to indicate that he had been informed.

<sup>54</sup> Ocorrências, 13th DP, 14/1, and 23/2/1925.

attacked the three guards who were escorting him, biting and hurting the hand of one and breaking another one's truncheon. Once again there are no personal details in the records, but the police collected his belongings: a stick, 91\$900 réis, a lottery ticket for the prize of 20:000\$ run a month before, a tie pin, a jack-knife, a belt and a chain. His *inquérito* was sent to court this time, but he must have been released as he was arrested again six months later. This time he was wounded in a fight in the Café Indígena, during his usual night prowling, at 0:30 a.m. On the way to the station he ran away from his guards, taking refuge in the offices of the paper *O Imparcial*, until treated by the *Assistência*. He later appeared in the station to complain that he had been assaulted by a civil guard.<sup>55</sup>

### **C) A Crime Has Been Committed**

The cases dealt with in the previous sections depended largely on arrests or on complaints presented against specific individuals. A completely different set of procedures were followed when a complaint was made, or a crime notified, but when those responsible were unknown or were only suspected by the plaintiff. Such cases comprise a large majority of property crimes, and the cases that came to symbolise police work, the show cases of the new investigative policing: murder. In contrast with property crime, where most of the offenders were unidentified, the cases of murder by person or persons unknown was quite small.

Murders offer a good view of police procedures, although for the moment we have to rely on the press rather than in the Occurrence books, since the latter do not provide any detail on how such cases were pursued. A mysterious murder appealed to the public imagination, and the police was compelled to do its best efforts to locate the offender. In the early days of 1917, one such case received the fullest attention from the press; it came

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<sup>55</sup> Ocorrências, 5th DP, 16/5 and 7/11/1927. A more detailed search of the records might be able to find more traces of this interesting figure.

to be known as 'the [case of the] old lady with the gold bag'.<sup>56</sup> Following the press reports we know that the city awoke shocked, just after new year's eve, to the news that an octogenarian had been found strangled in her isolated home in the suburbs. The district *delegado*, Santos Neto, and the head of the *Corpo de Segurança*, Major Bandeira de Melo, headed the enquiries, but it took two weeks of mystery until the press could report that 'the policy of massive arrests seems to have succeeded'. Among those arrested was a certain Joaquim Nascimento, alias Santa Rita, who admitted - 'after exhausting interrogation' - that he had been invited to do a job in the old lady's house by Avestruz [Ostrich] and Pé-de-Cachorro [Dog's foot]. His insistence that he had refused was not believed, and the team headed by *comissário* Raul Maia - assistant of Major Bandeira de Melo - arrested Santa Rita's former mistress, now Pé-de-Cachorro's, who, when 'pressed', confessed that the two of them had committed the murder. The news report concluded by explaining that the accused were still on the run.<sup>57</sup>

Things would not be as simple as that. Three days later the papers had a surprise: the whole story was in fact a hoax concocted by the police, and the crime had been committed by the band of Boneco [Puppet]. The murderers were a group of criminals - Cassiano Domingos Lopes, Antonio José Domingos, alias Formiga [Ant], Américo da Silva Carneiro, alias Cara-de-Velho [Old man's face], and 'the black' Alcino Ribeiro dos Santos. Américo, Cassiano, and Formiga had already been arrested.<sup>58</sup> In fact, Alcino was the first arrested - he had provided the model for the invented character Santa Rita - and only the leader was on the run, now the most wanted criminal in Rio. On the 26 January, the *Jornal do Comércio* provided details of his biography, in the best police style: his name was José Pereira Nunes, but he used also the names Guilherme Alves Palhares and

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<sup>56</sup> Orestes Barbosa, *Na Prisão*. Rio de Janeiro, Jacintho Ribeiro dos Santos, 1922, p. 59.

<sup>57</sup> *Jornal do Comércio*, 17/1/1917.

<sup>58</sup> *Idem*, 20/1/1917.

Leopoldo Mariano. He was 26, born in the Madeira, having arrived in Rio in 1902. He was first prosecuted for vagrancy on 11 November 1912, and had been committed seven times to the House of Detention, on charges of vagrancy, theft and assault. He had files in the *Corpo de Segurança* (n. 2456) and also in the specialised files dealing with theft (n. 947), which listed twenty one arrests, thirteen times in the House of Detention, and eight before the *Corpo*. He was described as light skinned, black hair, 1.66 metres tall, and having many tattoos.<sup>59</sup>

Boneco was finally arrested on 5 February, found by *comissário* Solon Ribeiro while hiding in his father's house. His father - Leopoldo Mariano Alves - was a retired captain of the military police.<sup>60</sup> But the most important document had appeared prior to his arrest; the report sent by *delegado* Santos Neto to the judge, published in full on 31 January. He started by describing the lonely old lady, whose temperament distanced her from friends and relatives, and who lived on a small pension left by her husband, trusting her protection to 'a whistle, a sword and a spear [azagaia] kept by her bedside'. Examining the circumstances he became convinced 'that this murder was the work of a band of malefactors who must have had a police file, and [he] established as [his] intention to arrest those individuals who were incorrigible and had enough audacity to commit the most revolting crimes'. After arresting Alcino, he questioned him many times until he 'approached the truth'; the *delegado* decided to put his testimony on record, when he accused the others. After arguing that all participated equally in the crime, without any extenuating circumstances, he listed the criminal records of what he called a 'Lombrosian portrait gallery': Cara-de-Velho had seven prosecutions, one conviction for robbery; Formiga had four convictions for property crime; and Boneco had thirteen arrests,

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<sup>59</sup> Idem, 26/1/1917.

<sup>60</sup> Idem, 5/2/1917. Many details provided by the press do not fit. The number of committals to the House of Detention was given twice, with different numbers each time, and, if he was born in the Madeira, it does not seem possible that his father was a military police officer.

including four for property crimes.<sup>61</sup> After his arrest, Boneco was questioned without rest until he admitted his part. According to the *Jornal do Comércio*, he did it 'in consideration of the efforts of the *delegado*', but promised to deny it again in court. Formiga sent a letter to the *delegado* protesting his innocence, but they were all convicted.<sup>62</sup>

This case illustrates the procedure in such crimes: massive arrests and fierce interrogation remained more useful than all the support provided by scientific policing. The same procedure was adopted in March of the same year, although this time unsuccessfully, when the prostitute Augusta Martins was murdered. Her lover and former lover were kept for questioning for at least a week, among 'numerous other arrests, without any result'.<sup>63</sup> The lack of results from the usual methods left both the press and the police restless; more random arrests followed. The *Jornal do Comércio* reported the arrest of a driver who was showing too much interest in the news of the crime, and the quasi arrest of a merchant, who had his house invaded in the middle of the night because he resembled a suspect. He only escaped arrest when one of the policemen realised that he did not have a scar in the face included in the suspect's description. When he protested against the invasion of his house, saying that he would go to the press, the *suplente* who lead the assault threatened to arrest him every time he saw him.<sup>64</sup> Maybe because of the lack of results, *delegado* Albuquerque Melo, of the 5th DP, was not as committed to the investigation of this murder as his

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<sup>61</sup> Jornal do Comércio, 31/1/1917.

<sup>62</sup> Orestes Barbosa, op. cit., met them in the House of Detention, with sentences of thirty years each, still protesting innocence.

<sup>63</sup> Jornal do Comércio, 17/3/1917.

<sup>64</sup> Jornal do Comércio, 20/3/1917. Such threats could be more common than we can locate in the usual sources; in 29/1/1917 the Jornal do Comércio reported that Judith Conrado had given up her prosecution for abuse of authority against the *delegado* of the 9th DP, 'unwilling to be threatened by him any longer'.

colleague had been in the other case. He left the main actions to his *suplente*, and preferred to appear in the news with his campaign against improper dressing on the way to the beach.<sup>65</sup> This murder had, however, an unexpected consequence. Since some suspicions were raised against pimps, the police began one of its campaigns against them, many were arrested and many others were reported to have left the city, at least for some time.<sup>66</sup>

But most murder cases did not present any problem in identifying the criminal. It was only a matter of locating him, if he was not caught in the act. Such arrests could suffer from the lack of circulation of information among the police forces which could facilitate the escape, but the murderers also had to face their own lack of resources. Bolivar Martins Ferreira murdered Domingos José Pereira with two shots, when they had an argument while drinking. Since it happened in a distant neighbourhood of Rio, Ferreira had plenty of time to escape before the police could be notified and arrive at the scene.<sup>67</sup> He managed to get to São Paulo but, as he was a poor manual worker, he could not gather resources to keep on the run or establish a new life. Five days after the crime he appeared in a

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<sup>65</sup> People wearing trunks considered too short were detained in the station until obtaining more 'respectable' shorts. These cases do not appear in the Occurrence books. See Jornal do Comércio, 21 and 23/3/1917.

<sup>66</sup> These arrests in March 1917 illustrate how the press, as well as the police, associated pimping with Jews. As *comissários* show their doubts about employment by stating 'he said to be ...', the Jornal do Comércio listed the Jewish European names, Ivan Eosnolowisck, Berl Madok, Manoel Musseny and Eisik Ginsberg, finishing with Otacílio Gomes Jardim 'who is said to be Brazilian'. Jornal do Comércio, 22/3/1917. The linking between Jews and prostitution in Rio still need a better assessment; Jeffrey Lesser considers them as making only a 'tiny percentage of all prostitutes in Brazil'. In Rio, the number does not seem to be so insignificant, and they certainly had high visibility. See Jeffrey Lesser, Welcoming the Undesirables. Brazil and the Jewish Question. Berkeley, University of California Press, 1994, pp. 33-39.

<sup>67</sup> Ocorrências, 17th DP, 18/2/1909. The crime happened at 9:30 p.m. The Jornal do Comércio gave only a short note, and promised further details - published the next day - because the *delegado* went to the place but was not expected back before 4 a.m.

newspaper office and asked for their assistance. They heard - and published - his story, about how the alcohol led him to the crime, and how Domingos had brought him into disfavour with the father of the woman he loved, but could only suggest that he presented himself to the police. He tried to have a reporter go with him but in the end decided to take their advice and go to the police since he was lost and without money in a strange city.<sup>68</sup>

In cases of property crime, the commitment of the police was not as determined as in a murder. Too many cases involved petty belongings, and the chances of apprehending an unknown thief were small. The *delegado* usually sent the record of the occurrence to the station agent to make inquiries, but probably not many cases had any development, unless there was a suspect. In the latter case, there would be at least an attempt to get him arrested as the first step either to recover the goods or to obtain a confession. Such enquiries reached beyond the station level, involving the *Corpo de Segurança*, and only were returned in case of some success. An image of the dimension of most of these crimes can be taken from the case of 16 year old, black maid Alda Cunha. She was indicated as a theft suspect by her former employer Crisóstomo Coluna, who complained about the disappearance of a pair of earrings and a pendant with the estimated value of 2:000\$. She was arrested three days later and confessed. She had pawned the earrings for 152\$ and the pendant for 182\$, less than twenty percent of the given value. In her room, the police found the profits of her crime: a piece of silk, a bottle of perfume *Éclat*, and a wallet containing 1\$500...<sup>69</sup>

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<sup>68</sup> Jornal do Comércio, 23/2/1909 reproduces the story from the Correio Paulistano.

<sup>69</sup> Ocorrências, 5th DP, 5/8/1921. Very few cases include how the stolen goods or money were used. Euclides Rodrigues dos Santos stole 1:000\$000 and 'confessed without suffering any violence' that he had paid his and his brother's debts in a store at 400\$000, and bought a watch (25\$000), a cape (200\$000), a suit (180\$000), a guitar (25\$000), a hat (28\$000), two handkerchiefs (8\$000 each) and a handbag (12\$000). Ocorrências, 17th DP, 28/12/1923. Carmelita Conceição stole 52\$000 and bought a pair of shoes, stockings, cufflinks and a soap. Ocorrências, 13th DP, 1/10/1930.

Alda represented well the typical petty thief caught by the police - even if she had stolen more valuable pieces than usually. The petty thief belonged to the household; they were servants, room mates or other people about the house, and stole small pieces of jewellery or pieces of dress.<sup>70</sup> They often found their victims unwilling to prosecute, eager to avoid the trouble of a court case, hoping only to recover their goods, but the police certainly preferred to see them locked up. Alfredo da Costa Carneiro, a 17 year old pardo boy, was caught inside a house while stealing jewellery. The owner recovered his jewellery and refused to follow the policemen to the station, 'because he felt very sorry for the accused'. The apparent luck of Alfredo did not satisfy the police, and he was rearrested the next day on a charge of vagrancy.<sup>71</sup>

After being caught once such offenders became part of the police universe, and would be looked for again when other similar cases occurred. They would also be the main targets when the police had to deal with more systematic property crime and had few leads to follow. There was such a situation in February 1917, at Rua Conde de Lages, in the red light district of the 13th DP. It is difficult to locate the exact pattern of the thefts, but there

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<sup>70</sup> The police was very keen on the idea of a general register of servants to control this type of theft, and circulated in their press their concerns about the dangers of uncontrolled household personnel. Sueann Caulfield quotes the magazine *Vida Policial*, which translated passages of the French criminologist Ryckere, who published a book on criminal servants. She fails to acknowledge the foreign origin of the article. Sueann Caulfield, 'Getting into Trouble: Dishonest Women, Modern Girls and Women-men in the Conceptual Language of *Vida Policial*, 1925-1927'. *Signs*, 19:1, fall 1993. Major Gustavo Bandeira de Melo, head of the *Inspetoria de Investigação*, listed the people they usually arrested for property crime: '... mainly professional thieves, domestic servants, roommates and homosexuals'. Annaes da Conferência Judiciária-Policial Convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal. vol. I, Rio de Janeiro, Imprensa Nacional, 1918, p. 54.

<sup>71</sup> Ocorrências, 15th DP, 12 and 13/3/1919. For a similar rearrest on charges of vagrancy, see Jaime Gomes de Oliveira, arrested carrying a package with six pairs of slippers, and running away when approached, in 15th DP, 17 and 19/3/1919.



are two recorded complaints, on the 14 and the 15 February, the first one involving four pieces of crystal - valued 360\$ - in house number 3; the second of clothes, in house number 35. In this same house, few days later, the tenants managed to catch Arlindo Freitas Pedrosa already with a pack of clothes, ready to run away. His accomplice, Antonio Bispo dos Santos escaped but was arrested the following day. The next days saw other arrests based on suspicions in the neighbourhood, with mention of a band of thieves operating in the area.<sup>72</sup> By the end of March, the police was still catching suspects, as Antonio Teixeira de Carvalho, arrested because 'this individual has already been prosecuted here', and Antonio Ferreira de Souza, because he was with him.<sup>73</sup>

This became a useful way of solving property crime; a thief would be suspected of committing various crimes, and could be broken down into making a confession after 'clever and tough questioning' [hábil e rigoroso interrogatório].<sup>74</sup> But this practice required known suspects, or the crime had to be serious enough to call for widespread arrests in the hope of being successful. Less common were the cases in which the police came to the spot, and could search and question suspects. Notified of a theft in the Club União Internacional, the *comissário* was able to search the fifteen men found there, and obtain a confession after the stolen watch was found thrown away in the toilet.<sup>75</sup>

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<sup>72</sup> Among the arrestees were: Abouth Euzé, Arab, beggar, arrested twice inside houses claiming he wanted to beg; Carlos Esteves and Benjamin Antonio dos Santos, suspected of being members of the band; and Osório José Cardoso, unemployed painter, for 'being a fellow of known thieves' sent to the *Corpo de Segurança*, probably for future identification. Ocorrências, 13th DP, 02 and 03/1917.

<sup>73</sup> Ocorrências, 13th DP, 29/3/1917. The *delegado* ordered their release.

<sup>74</sup> Ocorrências, 12th DP, 6/2/1921. The report of the head of the *Corpo de Segurança*, included in the report of the Chief of Police for the year 1908, also lists many cases of confession.

<sup>75</sup> Ocorrências, 12th DP, 26/11/1919.

Cases of theft, to be properly investigated, had to involve an important victim, or a large amount of money; otherwise the routine inquiry would be only superficial. The few cases in which a *comissário* described his steps and success in solving a reported crime involve acts against property belonging to companies. A rare occasion of a *comissário* being praised in the Occurrence books, by order of the Chief of Police, followed a complaint by Theodoro Bencher, who had lost 5:000\$ which he had in a hidden place in his timber shop. The *comissário* Frósculo Machado promptly suspected two employees, and obtained their confession, locating most of the stolen money.<sup>76</sup> The owner of a hat factory called the police after receiving an anonymous letter informing him that his employees were stealing hats. The *delegado* investigated and managed to arrest three workers and the father-in-law of one of them, who kept the stolen goods.<sup>77</sup>

Through the steps of criminal prosecution, the police developed the scope of its power, defining the areas where some reward could be expected from the exercise of their jurisdiction. While doing so, they also established procedures, which focused on the creation of a criminal class that they could repress free of the constraints that bound them in their dealings with the respectable citizen. Contact with the respectable could always be a problem for the police - as we will see in the next chapter. Repressing and interacting with 'known thieves' and 'vagrants' they found a large domain where they were the authorities - as they proudly defined themselves whenever confronted - and which provided the justification for their existence and their practices.

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<sup>76</sup> Ocorrências, 12th DP, 15 and 22/1/1917.

<sup>77</sup> Ocorrências, 17th DP, 19/1/1909.

## CHAPTER V

### ASPECTS OF DAILY POLICING

Police forces of the early twentieth century, almost everywhere in the world, had little or no formal training. A new policeman had to rely on his own ability to 'learn' the job, or depend on the help of those more experienced. The police *comissários* in Rio de Janeiro frequently had acquired some experience by working ad hoc, before being formally appointed to the job after successfully passing an exam. An individual would have his opportunities much enhanced by obtaining an appointment to act as a provisional *comissário*, therefore starting his apprenticeship before getting the job, and improving his knowledge of police matters for the examination.

Without training, a new *comissário* had to rely on his own skills and on his partners' previous experiences to react to all needs. Egon Bittner, studying the American police in a much later period, came to the conclusion that policemen did not often pass on

much of their experience; learning was an isolated experience<sup>1</sup>. From our data, we are not able to evaluate properly the role of more experienced *comissários* in the training of a new one, but most of the time a *comissário* worked alone. They seldom made comments on the work of their comrades. The *comissário* on station duty would only made very formal comments - 'my distinguished colleague' or similar - either on cases where another *comissário* was responsible for an arrest or had witnessed some occurrence.<sup>2</sup> It was very unusual for a *comissário* to complain on record about one of his fellows, although we will see below that this did sometimes happen.

The policeman's skills were developed through his daily experiences, and even though he might be confronted with the most unexpected events, the great majority of cases were predictable, and skills probably developed mostly from this routine work. The values of an officer were created or elaborated from the constraints originating in the most frequent events, and would be sharpened by the responses obtained. The experiences he faced and the results he achieved from the possible courses of action was how he learned his job; and in the end, he probably conformed to his group, which basically shared the same experiences.

We should not, however, exaggerate the loneliness of the policeman on duty, or forget that his reactions were at least partly derived from a larger context of social values. The choice of a career in the police implied an agreement with a certain group of social

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<sup>1</sup> See his 'Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police'. In Egon Bittner, Aspects of Police Work. Boston, Northeastern University Press, 1990, pp. 233-268. This derives from the intense internal competition among the officers, although I am not sure if it stands when officers are hierarchically ranked, therefore not in direct competition, but working closely. Most of the writers, however, stress the strong cultural ties among the officers, and the prevalence of informal training, in what Reiner calls 'canteen culture'.

<sup>2</sup> In many stations, it was usual also to end the daily report informing the name of the *comissário* who had been on patrol duty, and list the call boxes from which he reported.

values, traditionally associated with the emerging middle classes or the search of some respectability. The notion of respectability is at the core of the debate on Victorian social values, and is basically derived from adherence to those same values. In Brazil, the respectability of a police career - as, we may suggest, the idea of respectability as a whole - derived mostly from the small share of authority obtained; even a small amount of social power meant respectability. Their values, therefore, derived from the groups in a position of authority, and, in the early twentieth century, people with such authority were particularly concerned with the behaviour of the poor.

The values of a policeman also reflected the orders he received from the police administration, the closest representative of the groups in power. To a certain extent, when an order of the Chief of Police was made, the *comissários* had to enforce it, whether they agreed with it or not. Such orders usually meant extra work; and regardless of their agreement with the content, the *comissários* usually were not very sympathetic to those against whom the orders were issued.<sup>3</sup> It is very difficult to evaluate whether a policeman agreed with the values behind an order or simply had to obey. Orders which carried a high level of agreement were more likely to be enforced by policemen on patrol, while those resisted by the police were enforced by the *comissários*, mainly in order to provide results to please the Chief.

Deriving their respectability - and also self-respect - from their position of authority,<sup>4</sup> the *comissários* elaborated and made clear their own values when faced with

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<sup>3</sup> The same effect is known to happen in the policing of strikes or public meetings. The view of the police officers is not derived from their perceptions of the reasons for the strike or meeting but from the amount of extra work they are forced to carry.

<sup>4</sup> The authority borne by the police helps to explain the cases when persons tried to impersonate a police officer to achieve their goals, such as removing undesirable tenants. Ocorrências, 13th Dp, 24/02/1917. Of course there were also those who seemed to be mad, with the mania of being a police *comissário*. Ocorrências, 14th DP, 27/03/1917.

events that involved either those with some equal or larger share of authority, or with those who were presented as unprotected and deserving the benevolence of authority - a category that generally excluded the adult male.<sup>5</sup> Facing someone who was able to exert a larger amount of authority always represented a threatening situation for the policeman; he was not as fully in control as he liked to be. The vast apparatus of laws that mostly worked in his favour - even when they required some bending - could be thrown against him, and the loss of a job or an arbitrary removal was not very difficult to obtain in a not very professional police force. Facing the powerless, on the contrary, was the occasion when the *comissário* could exhibit the best of his powers; if he received a properly deferential response he could offer the full benefit of his protection as a reward, and ensure that a desirable social behaviour prevailed.

In order to have a closer view of the values of the *comissários*, we are going to analyse the occurrences that involved other policemen, who possessed similar amounts of authority and the cases involving elite individuals. In the next chapter we will present those involving women.

### **a) The Policeman in the Files**

The existing literature on police emphasises the bonds existing among police officers, who are extremely reluctant to acknowledge faults among comrades, and often assume that some bending of the rules might be necessary on the job. It is not surprising, therefore, that police crimes that appear in official statistics are most often those alien to the profession, notably the high rates of defloration cases, almost as important as simple

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<sup>5</sup> The only possible exception being the disabled beggar but they did not appear regularly in the records.

assault as the main police crimes.<sup>6</sup> Sexual crimes derived from the male condition rather than the police condition, even if acknowledging that a smart uniform might help in seducing 'defenceless' girls. We will look further into the subject in the next chapter.

In the universe of daily work, what an external observer might classify as a police crime appears as different from what was considered in the statistics. But we must be careful of the word 'crime' because frequently offences are not presented as such in the records. Categorizing them as crimes is a way of analysing those incidents in which some policemen were presented apparently breaking the laws. There are two forms of crime which are commonly connected with police work: violence and corruption. In daily police records the mention of corruption is extremely rare, and always presented through the policeman's refusal to accept a bribe.<sup>7</sup> Violence is much more common, for two reasons: first, the *comissário* recording the events avoids being part of whatever crime had been committed by duly reporting it to the *delegado*; second, the crimes that are reported come from policemen from other forces on patrol, and the problem of solidarity is partly overcome by disputes over police authority. The relationship between the civil police, the military police and the night watches was always tense, marked by the difference in resources and authority of each of the forces. The civil police had an ultimate power that provoked jealousy and conflicts: the *comissário* in the district station could refuse to hold a prisoner or to press charges against him. The military police, in contrast, had to rely on its

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<sup>6</sup> In 1918, according to the official statistics, defloration was the main crime committed by policemen, surpassing assault. In 1909 and 1913 it yields second place to homicide.

<sup>7</sup> There is only one case of arrest of a policeman accused of extortion in my sample. Following a complaint made by a woman that a military police private was demanding money from the visitors to her house, the police arrested private Avelino Francisco Pitter, who fitted the description she gave and was walking around the house. Ocorrências, 14th DP, 13/02/1925. See also Ocorrências, 19th DP, 10/9/1927, when a military police private accused another of extorting money from gamblers.

greater manpower; and the civil police had no real control over them since their structures were parallel. The attempt to break this independence through the creation of the civil guard appears successful in the records - there were many more complaints against the military police than the civil guard - but it was always limited in scope since the military police remained active and it would have been an absurd cost to keep two similar forces. Consequently the activities of the civil guard remained restricted to the central districts.<sup>8</sup> The night watches were something of a mockery as a police force<sup>9</sup> but they represented another source of policing out of regular control, kept by private contributions. The Chiefs of Police were always complaining about their existence, while at the same time recognising that they had to be tolerated since the police could not provide adequate patrolling for the city.

The disputes among the different police helps to explain why violence came into the records. The effort of the *comissários* to discipline a resistant military police force began in the administration of the stations, where they frequently asked for the replacement of privates returning late from meals, being careless with prisoners, or defying orders. These replacements earned short mention in the Occurrence books, but sometimes they could grow into larger conflicts. One *comissário* thought it necessary to write a long report on the misbehaviour of a military police *anspeçada*, during his duty; when the *comissário* criticised him the man retorted that he had orders from his commander to ignore any

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<sup>8</sup> Since we privileged the central area in our sample, the Civil Guard appears more active in producing arrests.

<sup>9</sup> Although this is not always the case. When in 1917 the newspaper Correio da Manhã moved a campaign against the *delegado* of the 17th DP, Leovigildo Leal de Paixão, it remarked that the reason why there were not more burglaries in the neighbourhood was because the work of the night watch. Correio da Manhã, 16/01/1917. For a description of the seventy year old night-watches - "[that] are for thieves as a scarecrow for the birds" - see Luiz Edmundo, O Rio de Janeiro de meu Tempo. Rio de Janeiro, Xenon, 1987, pp.49-50.



criticism, since the arbitrary actions of the station were well known.<sup>10</sup> The *comissários* had to depend on the military policemen on duty in the stations to run errands - such as picking up newspapers or medical reports of accident victims - and much of the street work such as summoning people or producing arrests in cases of complaints brought to the station.<sup>11</sup> The problem was that these policemen obeyed regulations alien to the station requirements; *comissário* Aires do Nascimento consulted his superiors when his civil guards refused to escort prisoners or sick people, when they had to ride with the coachmen. They alleged that guard regulations forbid them to appear in the front of the coaches.<sup>12</sup> During these moments conflicts could emerge from a failure, perceived as deliberate, to fulfil orders. A military police *anspeçada* was sent to 'invite and bring' to the station a man accused of wife-beating. Witnesses said they saw him taking a tram with the accused but he returned to the station saying he could not find the man.<sup>13</sup> Many cases illustrate the stress placed on

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<sup>10</sup> Among other things, the *anspeçada* sat with open legs in a passageway, mumbled about his missions in front of strangers to the station, went to dinner without asking for permission, and left a telephone call unattended. The *comissário* states that he did not believe that the commanding officer gave such instruction, but provided a possible explanation: military policemen might be resenting an order that had been issued forbidding the military policemen to remain in the *comissários'* room, 'to avoid them mingling in affairs that do not concern them'. Ocorrências, 19th DP, 20/07/1924.

<sup>11</sup> The role of the military police or civil guard in the station included informally substituting for the *comissário*, who had to have some sleep during his twenty four hour duty. They became known as the *prontidão*, a post as necessary in the station as any other, and called so in the records. A *prontidão*, for example, was sent with Zeferino José da Costa to oversee the delivery of the property of his estranged wife, "avoiding the unpleasant scenes that would happen without this preventive measure". Ocorrências, 14th DP, 17/12/1916.

<sup>12</sup> Ocorrências, 14th DP, 13/6/1912.

<sup>13</sup> In cases like this, the military policeman was sent to barracks under arrest, and a report was made to his commanding officer. Whether he was punished or not was a matter for the military police. Ocorrências, 19th DP, 03/01/1917.

the *comissários* by the large degree of independence of military policemen; on 1 August 1915, the *comissário* reported a fight with a shooting in the Club dos Fidalgos, in Cidade Nova, at 3 a.m. After recording the arrests he made another note stating that he knew in advance that a conflict would occur, and had posted a patrol of two MP cavalry men in front of the Club. Unfortunately they had left their post about 2:30, "without any reasonable motive or informing the station", thus prompting the conflict.<sup>14</sup> Such experiences, derived from the dual structure of the police system, had the result of aggravating the disputes and increasing the discontent of *comissários* with the available resources of policing.

In the streets, most of the work of patrolling was done either by the military police or the civil guard. The sole *comissário* on street duty, and the usual agent in charge of inquiries, needed their support, and used the patrols to carry prisoners to the station.<sup>15</sup> Every transfer of prisoners from one policeman to another could represent an opportunity for the offender's freedom, when the new policeman exercised his own judgement as to the reason for the arrest, or simply withheld information; all of which produced more clashes between the police forces. When a police agent arrested a 'well known pickpocket' working among the carnival crowds, he sent him to the station with a civil guard. The guard failed to inform the *comissário* of the reason for the arrest, and the *comissário* left the man in a waiting room, instead of booking him. He disappeared from the station before the agent

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<sup>14</sup> Ocorrências, 14th DP, 01/08/1915. The Club dos Fidalgos appears again as the gambling place where the persons assembled who were involved in the attempted murder of Antonio Alexandrino de Oliveira, known as Antonico do Morro, by Romeu João Batoni. The *comissário* felt compelled to arrest a witness who refused to give information. Ocorrências, 14th DP, 14/12/1916.

<sup>15</sup> The absence of a patrolman could mean the release of a prisoner. Luiz Ferreira Gonçalves hit a civil guard with his car but escaped the arrest in *flagrante* due to the lack of an officer to carry him to the station. Ocorrências, 5th DP, 19/02/1917.

appeared there.<sup>16</sup> Such disagreement during an arrest was quite common, with policemen changing decisions taken by others, but the ultimate conflict occurred in the station, where the *comissário* could release a prisoner against the wishes of the arresting policeman. On 3 February, 1917, the civil guard on patrol at rua Joaquim Silva, in the prostitution area of the 13th DP, arrested two young men who were talking with prostitutes in the street, and who disobeyed his order to move on. Shortly afterwards, another man appeared in the station protesting against the guard's behaviour, claiming that he had been screaming and pushing his prisoners through the street. The *comissário* sent the guard back to his post, admonished the men, and then let them go. Twenty minutes later they came across the same guard once again; he decided to arrest them, and requested transport to police headquarters, since the local *comissário* seemed not to care for his arrest.<sup>17</sup> Plaintiffs might also be dissatisfied with the *comissário* and carry their complaints to police headquarters.<sup>18</sup>

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<sup>16</sup> Ocorrências, 17th DP, 04/02/1925. Escapes from stations do not appear to have been difficult - evidence of graft or mere carelessness? More startling were the cases of theft. A *comissário* woke up from his night shift to find that his glasses had been stolen. Ocorrências, 14th DP, 11/06/1923.

<sup>17</sup> Ocorrências, 13th DP, 03/02/1917. One of the most difficult things to evaluate is the behaviour of individual policemen on patrol, due to the scarcity of data. This same guard (n.989) would appear again in 12 February, suspecting a man carrying a pack. He asked what was in the pack, did not believe the reply that it was a kerosene cooker, and decided to have it opened. The protests of the suspect caused his arrest and violent removal to the station. The guard met the same *comissário* with whom he had clashed before; the *comissário* recorded his constant misconduct and a lack of the necessary calm to perform his duties. The cooker was left in the station after being broken during the dispute. Ocorrências, 13th DP, 12/02/1917.

<sup>18</sup> Anna Amaro complained that her ex-lover a cab driver, spent her savings and threw her out keeping even her dresses. "This woman was not satisfied by the measures I have promised to take and went to make her complaint at the police headquarters." Ocorrências, 14th DP, 07/01/1917.

The image of street patrolling we obtain through the records is one which combines violence and laziness. The absence of patrols, especially on night shift, could sometimes be attributed to a lack of manpower,<sup>19</sup> sickness or work overload which required the patrolmen to be somewhere else. More difficult to explain was the fact that patrolmen were as liable as everyone else to enjoying a nap in the city streets - with the difference that they were not in danger of being arrested for vagrancy, having only to avoid supervision. Or they could find an even more enjoyable occupation during the heat of the night, in meeting women in some hidden corner - or not so hidden sometimes since they were caught...<sup>20</sup>

The worst and most noticeable problem was the abuse of violence by patrols. One cavalry police patrol had to be replaced at 3:30 a.m. because they went to the prostitution area in the 13th DP - off their expected beat - and begun bludgeoning the passers-by.<sup>21</sup> Six persons went to the 14th DP station to complaint that they had been stopped and searched by two armed military police privates on leave, out of uniform, in the middle of the night. Two civil guards tried to take the military policemen to the station but they ran away, guns in hand. The *comissário* recorded that this was not the first time it had happened, on the contrary, it was a common incident.<sup>22</sup>

In cases of arrest, the use of violent means was even more frequent. It was common practice for night patrols to investigate people carrying packages, and depending

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<sup>19</sup> *Comissário* Alvares de Azevedo complained that the *Corpo de Segurança* could not spare an agent to investigate a theft. Ocorrências, 13th DP, 14/9/1911.

<sup>20</sup> This could happen also in other circumstances; the military policeman guarding the jail of the 12th DP was arrested for 'immoral acts with an arrested prostitute'. Ocorrências, 12th DP, 13/02/1920; see also 17th DP, 18/2/1927.

<sup>21</sup> Ocorrências, 13th DP, 23/01/1925.

<sup>22</sup> Ocorrências, 14th DP, 15/03/1925.

on the place and circumstances they would freely exercise violence. There are many cases where the *comissário* noted that the arrested resisted fiercely and therefore was hurt, as well as cases where parts of the uniform were damaged.<sup>23</sup> In fewer cases, although they are not altogether rare, the arresting officers would employ their guns, using shots as a deterrent. Those cases analysed from the police records<sup>24</sup> are very difficult to evaluate; there were cases of accident, violence deriving from resistance, and gross abuse. One case of accident involved the coachman Manoel de Almeida Novo who was drunk and beating his animals when José Francisco dos Santos interfered and a fight started. A private was conducting both to the station, with four witnesses, when the drunk Manoel fell under his own cart and had his arms crushed.<sup>25</sup> An awkward escalation of distrust, reflecting the negative image of the police, occurred when two partners in a shop began to quarrel and a civil guard invited them to the station. One of them went without complaint but the other refused, saying that if the *delegado* wanted him 'he should come to his shop'. The *comissário* could not allow such disrespectful behaviour to state authorities; he describes what followed:

This clearly gross and inconceivable answer to a representative of authority came to my knowledge through the guard himself. [I went] in person to reinforce the guard's call and found Manoel Martins in his shop, and summoned him to come here. Manoel Martins, enraged and insubordinate declared categorically that he would not come. I recognized that it would be impossible without visible loss of authority - and not only mine - to take any other course than to make him come. It was necessary to have a private conduct him. Manoel threw himself to the floor, screaming that he was being killed and robbed, and started kicking the policemen. It was not easy to bring the man, who was more and more furious and aggressive. He had to be brought as

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<sup>23</sup> It was important to have this piece of information to guarantee that the policeman would not be held responsible for the damage, and have to pay for it. The earnings of policemen were not that good and they had to protect themselves against financial punishments. In a traffic accident in front of military police barracks, the lieutenant in charge sent the victim to the station explaining that, while he saw no reason for it - the man was not injured - a private had called an ambulance and otherwise he would be forced to pay for the petrol.

<sup>24</sup> Newspaper reports are not of much help either.

<sup>25</sup> Ocorrências, 17th DP, 17/02/1925.

Later, in the station, Manoel calmed down and explained that he was afraid because some relatives had been robbed by the police. His wife came to the rescue, accusing the police of stealing all the money he had but, according to the *comissário*, Manoel himself denied the accusation. This case shows a defiant but ultimately scared shopkeeper confronted with 'authority'. It started with one of its lowest representatives, and became more serious with the intervention of the *comissário*. He is very careful to observe that the issue at stake was higher than his own loss of authority: through him, a challenge to the state and the accepted chains of hierarchy was posed. The final proof of his righteousness, if proof was needed, was given by the help provided by citizens, cooperating with the authorities. Cases like the two latter reveal that many things could happen in the course of action by the police; to imply that the records covered up police violence may well be true in some cases but not in all, and it is virtually impossible to define which cases fall into which category.

But cases where the records clearly blame isolated policemen for abuse also exist. As noted before, it was probably a way for the *comissário* to show that he was not responsible for injuries to a prisoner. Sometimes the policemen acknowledged - and justified - their right to employ force. Deolindo da Silva Reis was arrested for mocking a private, and when on the way to the station he 'became obstinate', and received two blows with the sabre. The station had already received a phone call denouncing three privates for beating a prisoner, and would hear from seven more witnesses who stated that all Deolindo was doing was asking the reason why he had been arrested, while the privates acted to assert their authority. The *comissário* concluded his notes by pointing that Deolindo presented visible signs of beating. Others had better luck, like Luiz Sferd Filho, who was

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<sup>26</sup> Ocorrências, 14th DP, 22/02/1917.

released by the *comissário* because he showed bruises and scratches and accused the private responsible for his arrest.<sup>27</sup>

The victims of abusive behaviour by patrolmen might be released without further charges, but we cannot say if there was any punishment to the policemen involved. In most cases they were submitted to the internal procedures of their own force, rather than to the formal criminal ones. There are a total of twenty eight cases of policemen arrested in the records and, in those cases, the information concerning the accused is scarcer than usual.<sup>28</sup> About half the cases where an arrest was recorded involve situations where the condition of policeman was not a central concern, such as three cases of immoral behaviour, one murder,<sup>29</sup> some assaults involving family or neighbourhood disputes, and a night-watch who joined the protesters against the tram services who rioted the city in January 1909 - he was arrested for breaking lamp posts.<sup>30</sup> Cases of arrest on duty follow a common pattern: the policemen met a superior officer and behaved improperly either with words or violence. Two cavalry privates were arrested for shooting at a patrol lead by a *comissário*.<sup>31</sup>

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<sup>27</sup> Ocorrências, 19th DP, 27/03/1925; and 14th DP, 20/02/1925.

<sup>28</sup> There are 15 arrests in 1909, being 11 military policemen (2 in the same occurrence), 2 night watches, 1 civil guard and one agent; 5 arrests in 1917, being 3 military policemen and 2 night watches; and 8 arrests in 1925, being 7 military policemen and 1 night watch.

<sup>29</sup> Police sergeant Manoel Espiridião Abreu shot dead Livia Bellini Usiglio in a house of rua da Misericórdia. Ocorrências, 5th DP, 22/02/1917; we will discuss this case in the next chapter. Private Marcionilio Alves Brasileiro joined the 19 year old black cook Julieta Angela da Conceição in a hostel of rua General Caldwell. She fell from a window and accused him of pushing her. Her condition was reported to be very serious. Ocorrências, 14th DP, 04/01/1909.

<sup>30</sup> Ocorrências, 14th DP, 14/01/1909.

<sup>31</sup> Ocorrências, 14th DP, 16/01/1909. We can only guess if this case, as the one above, was related to the riots that were just ending in the area.

The two cases that do not follow this pattern involved policemen shooting without clear reason in the middle of the night.

The main question at stake in the arrest of policemen was not the violence they had committed but the violation of the principle of authority. As in the cases of misbehaviour in the stations the accused would not have experienced the same problems had they acknowledged the authority of their superiors. Defiance, either in the station or not, was not easily tolerated; although the dual structure of the police, with different hierarchies, made it difficult to enforce real control and punishment when the insubordination took place against members of another force. The whole experience could only raise grievances on both sides, since the form of legal organization of the different and autonomous police forces created a stalemate. While the worst consequences could always be avoided, the main feeling of those involved was that they lacked support in their exercise of authority.

Problems among members of the same force are much more difficult to evaluate since solidarity made arrests very improbable. In our sample, there is only one case of a civil police agent arrested, accused of disorder. But other forms of conflict occurred now and then, and they help to illustrate the working conditions and values of the civilian policemen. It will be useful to put these conflicts in the broader context of the daily administrative problems faced by the *comissários*.

## **b) Managing a Police Station**

The *comissário* was not officially responsible for managing the station, as he was subordinate to a *delegado*. But as he was in fact the highest authority in the station for a good part of his twenty-four hour duty, he was deeply affected - and concerned - with the conditions necessary to do his work. We have seen above his problems in administering his human resources, and material conditions were not much better. Police stations were rented



buildings, built for different purposes, and this created frequent problems for the lodging of policemen and the varied types of visitors. Jails offered no security, and the 13th and 14th districts record escapes in 1917. In the 14th District, Carlos Lopes de Assis, arrested for carrying a turkey he allegedly had found in the streets, bent an iron bar with the help of a wooden plank of the bed and escaped.<sup>32</sup> The jail of the 13th district had to be closed for repairs, and those arrested transferred to other stations. Two months later the *comissário* was still complaining of the lack of a jail and the slowness of the workers.<sup>33</sup> Other conditions were little better, although complaints rarely found their way into the books. These were only noted when the problems were not addressed over a long time or when there was some particular relationship between the *comissários* and their superior; either a dispute or a very good understanding. *Comissário* Paulino Bastos, for example, only decided to record his request for a new book of the forms used in sending corpses to the morgue fifteen days after the old book had run out.<sup>34</sup> A complaint about a broken police car was only recorded because it broke when required to follow a suspicious car.<sup>35</sup>

The daily work of the station had to rely on the assistance of a variety of services and this could create problems. The most frequent cause of complaint was the medical services of the *Assistência*. They were a permanent problem in the reports of the Chiefs,

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<sup>32</sup> Ocorrências, 14th Dp, 18/03/1917. In 1925, the 14th District had escapes on January 2 and 7, leading the *delegado* to complain to the head of the Civil Guard - responsible for guarding the prisoners - about the "frequent escapes from our jail". Ocorrências, 14th DP, 02 and 07/01/1925.

<sup>33</sup> Ocorrências 13th DP, 07/02/1917 and 29/03/1917. One complaint about the condition of this jail had already appeared as early as 13/08/1916.

<sup>34</sup> Ocorrências, 14th DP, 21/02/1917. Paulino was keen to put his complaints on record; on the 20 March he asked for new lamps and repairs in the women's jail; and in 14 April for a new book of forms to the internment in the Santa Casa hospital.

<sup>35</sup> Ocorrências, 17th DP, 14/01/1925. This sort of 'street' complaint was easier to record than complaints on station matters.

who tried to work out a satisfactory agreement either with the municipal or with the private services. The *Assistência* was essential in providing help in cases of accident, and was frequently the source through which the police became aware of accidents. But the system never worked very well, and the required assistance could fail to appear - in one case they had to be called five times between 7:00 p.m. and midnight before showing up - or simply refuse to attend.<sup>36</sup> The most common complaint was the delay in the issuing of the service bulletin, which was required to initiate criminal proceedings; by delaying or refusing to issue a bulletin the *Assistência* could prevent the arrest in *flagrante delicto* of someone accused of an accident. With fewer practical consequences but still a problem for police *comissários* were the services for assisting people in need. An old woman was refused admission by a hospital, and the police had to provide for her internment as mad in an asylum; when a baby was found abandoned, the *comissário* tried to phone an orphanage - the Casa dos Expostos - and a maternity hospital, without getting any answer. He bitterly "regretted that such 'charity houses', receiving fabulous funding from the state precisely in order to receive those in need ... do not provide the generously paid charity when necessary".<sup>37</sup>

The food provided for the prisoners also gave grounds for complaint. The *comissário* of the 14th DP reported a series of incidents when meals had to be returned to the suppliers and replaced. On 26 February 1917 the restaurant refused to send new meals after the *comissário* returned the food in very poor condition. The *comissário* had to contact the 3rd *Delegado Auxiliar* and get authorisation to buy - at the regular price of 400 réis - the meals elsewhere to feed seven prisoners.<sup>38</sup> In addition to the picture of life in a

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<sup>36</sup> Guilherme da Silva Cardoso was stabbed in the arm and went to the station. The doctor refused the call arguing that if he was fit to go to the police he could also go to the hospital. Ocorrências, 15th DP, 02/02/1925.

<sup>37</sup> Ocorrências, 13th DP, 10/05/1923.

<sup>38</sup> Ocorrências, 14th DP, 26/02/1917.

station jail that this helps us to draw, it is important to notice that complaints by *comissários* are extraordinarily frequent in the 14th District in early 1917, in comparison with the other records. The *delegado*, Aristóteles Solano, had been in the district since August 1915, and the group of *comissários* had also been there for some time (one of them arrived with the *delegado*). Their work levels were consistent, so that this looks more like a group with its own procedures, that differed from the rest, than the consequence of some undisclosed dispute.

The same *comissário* who made the complaint about the food had earlier made another remark that could possibly be interpreted as a criticism of the *delegado*'s procedures. On 6 January the railway inspector sent a prisoner - a clerk from his office - with a memo addressed to the *delegado*. The *comissário* could barely disguise his rage at being required to keep a prisoner, "a public servant", for reasons he was not to know; the memo was addressed to the *delegado* and he could not open it "without a breach of discipline". He noted that the punishments prescribed for public servants did not include the 'administrative prison' he was forced to apply to the prisoner but that was the only course he could follow until the *delegado* made a decision. Most probably, his tone can be attributed to the disputes that characterised the relationship between the police and the railway.<sup>39</sup> This is probably the case because the team of the 14th DP continued to work together, and the remarks of the *comissários* continued to appear, thus suggesting that their behaviour was thoroughly approved of by the *delegado*.

The functioning of a district station depended on the work of a varied range of police personnel, and conflicts could emerge among them, which the *comissários* would present in the records. In the same circumstances of the 14th DP in 1917 noted above, our

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<sup>39</sup> Ocorrências, 14th DP, 06/01/1917. Or even more broadly, this complaint could reflect the dispute with public service in general. After one assault inside the Ministry of Agriculture, the Director dismissed the police stating they would proceed administratively. Ocorrências, 5th DP, 1/6/1927.

*comissário*, Paulino, recorded his complaint against the *identificador*<sup>40</sup> of the district, who ignored Circular 4343 of the Chief of Police, and did not appear in the station at the required hours.<sup>41</sup> The same problem of absence had more serious consequences in the case of the station clerk [escrivão]. The *comissário* filed a complaint when the clerk refused to attend, in the middle of the night, to write up the records in a flagrante case. The clerk thought the accusation serious enough to deserve a long answer, in which he complained of persecution by the *comissário*; he also explained that night service was divided between him and the assistant clerk [escrevente], and the day in dispute was the responsibility of the assistant.<sup>42</sup> Decisions to arrest could be nullified by a superior authority but a decision not to arrest could only be regretted or the subject of a reprimand, following the appreciation of the matter by the superior. A *comissário* could be understanding when a MP private failed to arrest - "due to ignorance, I suppose" - a baker who assaulted a boy, only inviting him to appear in the station later.<sup>43</sup> A *delegado* would be less generous with his *comissário* when he failed to arrest a man who hit someone with his car: "Proceed with an *inquérito*, since there seems to be no *flagrante delicto* while I am absent... It is incredible that a man should commit a crime and afterwards come to the station of his own free will, accompanied by a policeman."<sup>44</sup>

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<sup>40</sup> The *identificador* was a servant of the Gabinete de Identificação e Estatística, in charge of fingerprinting those arrested in the station, but he could be much involved in the daily work of the station. On 18/07/1923, in the same 14th DP, the *prontidão* complained that the *identificador* received 2\$000 to telephone the friends of a man, informing them of his arrest, and to bring him coffee.

<sup>41</sup> Ocorrências, 14th DP, 27/05/1917.

<sup>42</sup> Ocorrências, 12th DP, 13/02/1920.

<sup>43</sup> Ocorrências, 14th DP, 31/03/1923. The private probably thought his best bet was to be deferential to the baker rather than to the boy. This time he was mistaken.

<sup>44</sup> Ocorrências, 12th DP, 23/03/1920. See Ocorrências, 13th DP, 11/12/1927 for a *delegado* reprimanding a *comissário* who recorded the arrest of a father and a son when in fact only the son had been arrested.

The main cause for conflicts among those working in a police station was the regulation of absences. A surprise visit by the Chief of Police or one of the *delegados* auxiliares required a lot of explanation when they did not find a *delegado* or the *comissário* who was supposed to be there. On 16 June 1915, the 1st *Delegado Auxiliar* recorded the absence of the *comissário* on duty at the 13th DP from 7:00 p.m. until 1:00 a.m., before making a note in the book. He ordered the *comissário* in charge of street patrolling to remain responsible for the station. The *comissário* in charge, Romeu Balster, produced a long explanation on how that day *comissário* Dutra should have been on duty. He could not come, and he was replaced by *comissário* Laudemiro Menezes, who felt sick and had to leave at 8:30 p.m. *Comissário* Romeu Balster therefore took charge, but he left at 11:00 p.m. for dinner, and since *comissário* Luiz Costa was in the station, he went from dinner to a search [canoa] in the streets of the district. Romeu charged Costa with hiding the truth and a lack of fellowship. The explanation was probably insufficient since *Comissário* Romeu was not to return to the district, and all the *comissários*, and the *delegado*, were replaced within a month.<sup>45</sup>

The same problem was faced by the *delegado* of the 19th DP, on 30 May 1925. He was found absent by the Chief of Police himself, who had demanded special alert [rigorosa prontidão] in his orders. The *delegado* protested that he was out at work but he was transferred to another district ten days later.<sup>46</sup>

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<sup>45</sup> Ocorrências, 13th DP, 16/06/1915. The *delegado* recorded his thanks to a completely new group of *comissários*, when he left on 20th July. Only one of these four *comissários* would continue with the new *delegado*.

<sup>46</sup> At the end of April, the *delegado* had made a note to the *comissários* requiring observance of his circular about presence in the district station, and about the repression of gambling. I keep wondering whether the 'goodbye notes' of the *delegados* were a form of reacting to punishment. These notes sometimes appear, especially in the early years, but are not exactly common; however they exist in both these cases. Ocorrências, 19th DP, 30/05/1925, for the note of the Chief; 29/04/1925, for the note of the *delegado*, and 09/06/1925 for his goodbye note.

As noted above, the *comissários* seldom made explicit complaints against the *delegados*. In one case in 1917, there was a complaint against another district, for allowing pedlars to gather, causing disturbances which spread to the sensitive streets around the railway station.<sup>47</sup> One of the most unusual exchanges between a *delegado* and a *comissário* happened, in the same area, seven years later. After recording a complaint of theft made by a traveller, *comissário* Hildebrando Pereira da Silva remarked:

I call the attention of the *delegado* to the facts of this incident which happen almost daily in this district, where pickpockets and tricksters of all sorts make their hunting ground, and steal from the unaware travellers. Travellers arrive at the railway station sure that the capital of the Republic is a place where good manners and respect for the law are undeniable facts, as indeed they are. After a few days in this district, I am already a witness of the honesty, probity and strict attachment to duty represented by Dr. Carlos Bastos, honoured *delegado* of this district, who has not spared his efforts to honour the administration of Marechal Carneiro da Fontoura, our beloved Chief of Police, who gives us the best and greatest examples of honesty and patriotism, sacrificing his best possessions for the good of order and the Republic. My intent is only to ask the *delegado* to order to his auxiliaries to pay a little more attention to such facts, it did not cross my mind to suggest to the *delegado* what he ought do to accomplish his duties and his orders, and I will always obey him with my best enthusiasm.

In spite of its tortuous exaggerations and eulogies, the criticism made by the *comissário* got through, and the *delegado* was not pleased to hear it. He also extended himself in his answer:

The incidents which the *comissário*, with his characteristic frankness, has just exposed, are regrettable.

But even more regrettable is that the *comissário*, recognizing the urgent need for serious repression, fails to help me in this and many other campaigns I have attempted, and leaves me alone to enforce the strict observance of the law, when the function with which we are invested demands from us all the strictest adherence to duty. I wish all my auxiliaries would answer the appeal I am making and, together, fulfill their tasks thoroughly, achieving at least the mitigation of the recognized evils, since this is the only thing asked from us by public morality and safety.

With such behaviour we will correspond to the trust placed in us by the honoured Chief of Police, whose probity and love for his motherland we aspire to imitate.

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<sup>47</sup> Ocorrências, 14th DP, 02/03/1917.

Both the *delegado* and the *comissário* would not last long in the district; the *delegado* was replaced in less than a month.<sup>48</sup> Conflicts of such order were apparently very rare, but tell us about the structure of a police station. Being extremely dependent on the use of hierarchical authority, complaints against a superior had to be expressed with a mixture of respect and praise. We found only one case in which the *comissário* clearly disagreed with the *delegado*, and chose to leave his opinion in writing. In the end of his duty, on 8 October 1926, *comissário* Athos Bahia made only one record:

Rosita Gerstler, owner of the brothel located at rua Joaquim Silva 2 and 4 was arrested in the night of the 6 by the *delegado*, and placed in a cell. This happened because she disobeyed orders of that authority about the behaviour to be maintained by the prostitutes living in the area.

When I assumed my functions today, I was informed by *comissário* Paulino who was leaving duty that Rosita accused employees of this station, especially the *delegado*, of being in cahoots with the lawyer Antonio Olegário da Costa to extort the brothel owners, having the said lawyer already received 1:000\$000 while other payment of 10:000\$000 was being collected, if they wanted to continue to open the brothels.

This fact came to the knowledge of Mr. Castelar de Carvalho, director of the newspaper A Noite, who sent an underling to this station to free Rosita (in whom Castelar is interested) and her tenants, offering in exchange to keep quiet about her accusations.

Was the *delegado* more or less inclined to accept this friendly solution, when I protested, because it was not only the *delegado's* reputation in stake but of all the employees of this station. In face of my reaction the *delegado* decided to take down Rosita's statement, and this has not yet been done. I decided to make this record to avoid that this case be forgotten.

The *delegado* was incensed to read a note in his books which went as far as accusing him of corruption. He felt the need to reply in the same tone:

This district can not acknowledge the record above. It absolutely does not express the truth of what happened about the matter. It is a mean lie, revealing bad intentions, to say that this district would agree to release prostitutes to avoid that this case came to the public. The morality of the undersigned is as precious as that of anybody else. It is also not true that the *comissário* had to make any protest to make this station act in the matter. The said *comissário* must also know, as part of his role, that any intervention he makes in matters of this station after the *delegado* has intervened is useless. He must go to other superiors to ask for an *inquérito* to verify whether his hypothetical accusations are true. he must also know, because he heard so in my audience, that Rosita denied hearing from the lawyer that he would share any money with people working here. It was an essential point that I insisted in enquiring and receive her denial in front of her own lawyer, the reporter of the newspaper A Noite, and the station clerk. Finally, the *comissário* had no role at all, and could not have, in my decision to record Rosiat's statement. It was my decision. Finally, the press did not silence about the facts, but published them in the proper terms. This book must

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<sup>48</sup> Ocorrências, 14th DP, 21/11/1924.

The exercise of power by the *comissários* had its limits in his vulnerability to superior forces, as much as they were limited in their relations with the other police forces.

### c) Policing the Powerful

As ever, the subjects of police surveillance were among the common people. It was not so simple when the 'common people' happened not to be so common. If there really are any subjects that are impenetrable to historians, the policing of the higher echelons in society are a serious candidate. Since the creation of modern police forces it has been assumed that the higher classes are to be protected rather than policed. This does not mean that the 'respectable' do not commit offences but that most of their offences evade traditional police procedures. The most typical of these offences, christened in the 1930s by Edwin Sutherland as 'white-collar crimes', have nothing to do with beat patrols or police stations, and are mainly controlled by agencies other than the police.

There exist, however, a few instances where these groups face the police, and, statistically speaking, they might even be proportionally over represented, as Rob Sindall has suggested for the middle classes in Victorian Britain.<sup>50</sup> However the precise number of such offences is very small, and they are scarcely recognised by the police as a problem. The same sort of attitude is evident in the more easily located *causes célèbres*, especially

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<sup>49</sup> Ocorrências, 13th DP, 8/10/1926.

<sup>50</sup> See Rob Sindall, 'Middle-Class Crime in Nineteenth-Century England', Criminal Justice History, 4 (1983), pp. 23-40.



crimes of passion.<sup>51</sup> Although they attract the attention of the press and might fill the more traditional histories of crime and policing, they are entirely unrepresentative of police work.<sup>52</sup> In the nine months of our systematic sample we found crimes of passion, but none that could be considered as involving members of the elite. But such crimes exist in the records, as, for example, when a lawyer shot his brother-in-law, a doctor, dead in the Brahma Bar, on 14 July 1923.<sup>53</sup>

Two types of events have been described as bringing the police closer to the upper classes in the early twentieth century: the emergence of the automobile and the criminalization of drugs. The rapid increase in the number of cars, driving along streets that were not intended for them, created new forms of urban hazards, and a new concern for the police. But what the car brought to Brazilian police records was the figure of the driver and sometimes his assistant, seldom that of the upper class car owner. There appeared to exist a marked difference in Rio between car owners and drivers - an emerging new profession -

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<sup>51</sup> There are some historical studies of this type of case, used as situations where social values are exposed and can be more easily recognised. See Benjamin Martin, The Hypocrisy of Justice in the Belle Époque. Baton Rouge, Louisiana State University Press, 1984. The pattern of absolving those accused of crimes of passion in Rio is the subject of Susan K. Besse, 'Crimes of Passion: The campaign against wife killing in Brazil, 1910-1940'. Journal of Social History, 22, (4), summer 1989, pp.653-666.

<sup>52</sup> Boris Fausto, in his Crime e Cotidiano, notes the puzzlement of workers in the São Paulo State Justice Archives when he refused to be interested in the great criminals, and looked at mere common crime files. Boris Fausto, Crime e Cotidiano. A Criminalidade em São Paulo (1880-1924). São Paulo, Brasiliense, 1984, p.17.

<sup>53</sup> Ocorrências, 5th DP, 14/07/1923. The murderer was arrested among threats of lynching by the mob.

that kept the police away from the former.<sup>54</sup> The owners appeared, most commonly, either as witnesses, after their drivers had hit someone with the car,<sup>55</sup> or as plaintiffs against other drivers who damaged their cars.<sup>56</sup>

The problem of drug consumption and its criminalization in the early twentieth century was not always connected with the elite, but an early medical account of the subject significantly chose to call itself: 'Smart Social Vices' [Vícios Sociais Elegantes].<sup>57</sup> There was a long tradition of concern about lower class drinking, about the use of marijuana - prohibited to slaves in the 1830s - and there were also concerns about Chinese opium dens. But the drugs that attracted greatest attention in the 1920s, when drug consumption was properly criminalized, were to be cocaine and morphine: 'beginning its conquest with the upper classes, [the habit of] cocaine has already leaked to the lower

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<sup>54</sup> This trend appears to be very distinct from the findings of Clive Emsley in Britain. Our records also concentrate on accidents rather than speed problems. Clive Emsley, 'Mother, What Did Policemen Do When There Weren't Any Motors?' The Law and the Regulation of Motor Traffic in England, 1900-1939', The Historical Journal, 36(2), 1993, pp. 357-381.

<sup>55</sup> Mr. Afonso Vizeu's driver hit and killed 6 year old Igor Praus at Praça Saenz Pena. The driver ran away - although the witnesses were in his favour - while Mr. Vizeu, who was in the car with his family, tried to provide first aid for the boy. Ocorrências, 17th DP, 03/04/1925. In another case it was the car of Dr. Oswaldo Cruz, the chief responsible for Rio sanitation's reform. Ocorrências, 15th DP, 02/07/1913. Sometimes the witnesses did not bother to go to the station; Mr. Antonio Angélico Pereira sent his card to inform the police that the driver was innocent. Ocorrências, 15th DP, 08/02/1917.

<sup>56</sup> Ocorrências, 15th DP, 22/08/21.

<sup>57</sup> Pernambuco Filho & Adauto Botelho, Vícios Sociais Elegantes. Rio de Janeiro, Livraria Francisco Alves, 1924. On the history of the criminalization of drugs see Júlio Cesar Adiala, 'A Criminalização dos Entorpecentes'. In Seminário Crime e Castigo, v.1, Papéis Avulsos, Fundação Casa de Rui Barbosa, may 1986, pp. 58-87.

layers of society, and its flood tide is affecting servants, workers and poorer persons'.<sup>58</sup>

Cases involving the sale or use of cocaine were frequent, but, at police station level, they seldom involved members of the elite. Quite the contrary, the policing of drugs was related to prostitution, since it was here that the police found the main group of customers.<sup>59</sup> On 24 November 1919, for example, the *comissário* of 12th DP received information that Farmácia Americana was selling cocaine to the prostitutes.<sup>60</sup>

If the upper classes do not appear in the records connected with the main types of offences with which they are most often associated, how do they appear? Their presence in the records can be analysed through their roles as victims, as sponsors for others, and in the few cases where they are involved in daily disorder.

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<sup>58</sup> Pernambuco Filho & Adauto Botelho, op. cit, p.27 The opium dens of Rio provided a perfect subject for João do Rio's writings about the city's underworld, presented in his A Alma Encantadora da Ruas, Rio de Janeiro, Secretaria Municipal de Cultura, 1987, pp.59-64. They appear in police records too; on 23 May 1920, opium was found in the house of the Chinese João China, San Jose, Iuan May and Tan Gou, at Beco dos Ferreiros 22. On 17 June, it was another house of the same street, belonging to the Chinese Alo Pereira and A Paulo. In both cases the Chinese were sent to the Chief of Police. The article 159 of the Penal Code ascribed only a fine for the illegal sale of 'poisonous substances'. Only in 6 July 1921, by Decree 4294, was a sentence of imprisonment authorized.

<sup>59</sup> Pernambuco Filho & Adauto Botelho, op. cit, p.27 estimate the number of prostitutes using cocaine as about two thirds. The use of cocaine by members of the elite had to be linked with their relation with prostitutes. The police found the son of the Criminal Prosecutor of Rio [Procurador Criminal do Distrito Federal] being smuggled out of a brothel where he met his mistress, the Italian prostitute Bianca Fasetti, when he was in a coma provoked by cocaine. The local civil guard was accused of purposely ignoring what was happening. Ocorrências, 13th DP, 8/1/1924.

<sup>60</sup> Ocorrências, 12th DP, 24/11/1919. The problem of drugs appears in waves; on 3 December a pharmacy assistant was arrested and on the 28 a woman was treated for overdose. See also Ocorrências, 12th DP, 22/12/1922, and Ocorrências, 13th DP, 18/3/1924.

Although it has been long established that most of the victims of criminal offences came from the same social groups as the offender, the upper strata of society were often also victims. They were not victims of the more usual crimes against the person, unless the offender was from the same social group, but they fell prey to property crimes. The social profile of victims in the records is quite difficult to establish; they are not properly identified, although in a few cases we find the signs of deference expressed in titles as 'Doutor' or 'Madame'.<sup>61</sup> But the most useful signs of the social position of the victims were the type of property stolen and the measures taken by the police. The first is clearer in cases of theft against firms, especially burglaries, where the owners were especially seen as deserving the attention of the police.

The steps taken by the police were revealed following an attempted burglary at the caretaker's house in the residence of Senator Pinheiro Machado - considered in the 1910s to be the most influential politician in Brazil. Contrary to all procedures in other cases, three agents were assigned to the investigation.<sup>62</sup> The resources of the police could be made available to influential people even when there was no case for police intervention. At the Municipal Theatre, on 25 June 1923, the wife of Supreme Court minister Godofredo Cunha lost a cross made of diamonds, with an estimated cost of 1:500\$000. Even though the Minister himself made clear that it was lost rather than stolen, a team of civil guards was sent to search the theatre and the streets for the lost jewel.<sup>63</sup>

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<sup>61</sup> The title 'Doutor' would be properly conferred to persons with a higher education degree, but can as well be a simple recognition of influence. 'Madame' could be an upper class woman but could also mean the mistress of a brothel.

<sup>62</sup> Ocorrências, 15th DP, 01/04/1909. To give the proper dimension to the efforts of the police, we must remember that each station usually had one agent to deal with all property crime.

<sup>63</sup> Ocorrências, 5th DP, 25/06/1923.

The relationship between the police and the upper classes was never a comfortable one. Even when the latter presented themselves as plaintiffs, the police officers were placed in a difficult situation. They were eager to please,<sup>64</sup> but their procedures were upset because they had to allocate scarce resources, and they did not have ultimate control of the events. Victims could refuse medical examination, suicides could forgo the formalities of medico legal exams, and even clear cut cases could be halted. Although cases could be dropped by the victims, it was unwise for the *comissários* to ignore a complaint made by the upper classes. When Mrs. Coelho Barreto went to the 5th DP to complain that she had been robbed by a maid, she was not satisfied with the speed of the police's response:

It was just after 6 am when she entered the station. She was met by a drowsy *prontidão*.

"What do you want?"

"I wished to see the *delegado*."

"Not at this hour, come back at noon."

"The case is urgent, my man; I will speak with the person in charge."

"It is the *comissário*, but he is sleeping."

"Please call him. I will wait."

The lady waited patiently one hour. After that she saw coming, yawning, through the door of a small room, the tired and lazy figure of the highest police authority.<sup>65</sup>

*Comissário* Braga cut a very bad figure in the press. This should not come as a surprise since the victim was the sister-in-law of the director of the newspaper, and mother of one of the most respected journalists of the time. For the next few weeks the *Jornal do Comércio* campaigned against 'how rarely and how badly [the police] fulfil their regular duties in most of the cases', in spite of the efforts of the Chief.<sup>66</sup>

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<sup>64</sup> On 31/01/1913, the delegado of the 14th District ordered the detention - no charge was made - of three men, following a complaint on the 27th by the owner of a tobacco shop, that the men intended to raid the shop. The shop owner is recorded as Colonel Antenor - probably a post in the National Guard - and the delegado informed the 2nd Delegado Auxiliar about the arrests. Colonel Antenor must have been a man of very good connections.

<sup>65</sup> Jornal do Comércio, 09/02/1909.

<sup>66</sup> *Idem*, 25/02/1909.

If having the upper classes as victims could present problems for the police, it could be even more complicated when they presented themselves as sponsors of the victims or of potential offenders. In a society where good relations were essential in defining the social standing of an individual, it was a good idea for a victim to go to the station accompanied by a congressman.<sup>67</sup> In their daily work, policemen had many opportunities to meet more or less interested parties, who could alter the profile of a case. When the 5th DP station received a call, at 2:00 a.m., from the carnival association 'Tenentes do Diabo' [Devil's Lieutenants] that a group of students was intending to force entry and cause disorder, a *comissário* went to see what was happening. He was met by a congressman who vouched 'for the boys'. Even so, the *comissário* informed his *delegado* and the *delegado* auxiliar on duty, and the *delegado* made an appearance at the club to try to calm matters down. At 5:15 a.m., the students returned and exchanged shots with the club security. Only a Civil Guard on patrol was hurt.<sup>68</sup>

A situation leading to a potential arrest could always be altered by the intervention of a non-professional, well meaning, bystander; in cases of police violence, it was frequent to find people phoning or calling at the station to complain.<sup>69</sup> External intervention was especially common in the many cases involving the military or the National Guard, when the acts of the police could bring about serious disturbances. The main problem was

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<sup>67</sup> A victim of assault was escorted by congressman A.A. Lamounier Godofredo, and got his assailant arrested in Ocorrências, 12th DP, 12/11/1919.

<sup>68</sup> Ocorrências, 5th DP, 30/03/1915.

<sup>69</sup> On 17 June 1923, an engineer appeared at 14th DP to complain that an agent and two military police privates were beating a worker in a bar. The *comissário* pointed that they had already brought the worker in, without explaining the reasons, 'a well known way of covering their abuse'. He refused to accept the prisoner, sending them to police headquarters. Ocorrências, 14th DP, 17/06/1923.

soldiers, always ready to fight the police,<sup>70</sup> and sometimes officers were also involved. The attempt to arrest a National Guardsman accused of disorder in Méier resulted in a conflict where, at the end, the Guard officer declared the station authorities under arrest.<sup>71</sup> Police manuals carried special instructions about how to proceed when arresting military personnel; it was necessary to have another man with the same or superior rank supervising the process; and caution was always necessary.<sup>72</sup> The problems became more evident in the 1920s, when young officers got involved in plots against the government, and had to be policed.<sup>73</sup>

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<sup>70</sup> Examples of conflicts between police and soldiers were very frequent. When two civil guards arrested two soldiers who insulted a family and fired a shot in a train, the prisoners called out to fellow soldiers on their way to the station. Arriving there, the *comissário* found himself outnumbered by fifteen armed soldiers in uniform and more wearing civil clothes, all ready for a good fight. The *comissário* prudently let everybody go free, 'since I had no force to put into effect any resolution'. *Ocorrências*, 14th DP, 05/01/1913.

<sup>71</sup> *Ocorrências*, 19th DP, 10/01/1917. See also Jornal do Comércio, 10/01/1917.

<sup>72</sup> The problems created in arresting military men was perceived by other offenders. Professional gamblers frequently bought posts as officers in the National Guard, making the procedures for their arrest much more difficult. When a doctor argued with the administrator of a rooming house about a sick tenant, the administrator went to put on a uniform to reinforce his threats. It just happened that the doctor was also a Navy officer. *Ocorrências*, 12th DP, 31/01/1917. The National Guard, which was very important during the nineteenth century, had been completely corrupted as an institution, and was extinct in 1917.

<sup>73</sup> An example of a trouble maker appeared in the person of Navy Captain-Lieutenant Eduardo Henrique Sisson. He appears twice in the records, accused of disorder while drunk in early morning. The first time he assaulted the owner of the cigar stall in a bar, and in the station insulted the authorities, from the *comissário* in charge up to the President. He was arrested again six months later, in similar circumstances, allowing the *comissário* to extend comments on his behaviour, on his hatred of the legal authorities, suggesting that for public good he should be sent somewhere less populated than Rio, besides the punishment he deserved. *Ocorrências*, 5th DP, 3/8/1924 and 22/2/1925

The power of patronage was also evident in the many cases of householders concerned with the moral behaviour of their servants, or with the disappearance of their unruly child servants. When a young maid was detained with her boyfriend for behaving suspiciously - usually described as 'looking for dark corners' -, her master Dr. Bonifácio da Costa, asked the police to place the boy under arrest until they could examine the girl. He explained that he was her guardian since her mother trusted him.<sup>74</sup> The repressive power of a master could be greater than that of a father. In the same circumstances, Rosa da Silva, 18, was arrested at 11:00 p.m., for 'embracing and kissing' her barber boyfriend in the streets. When her father was called, he said that he had no room for the girl to stay, and would see what he could do the next day.<sup>75</sup>

Servant children kept under the surveillance of a master/guardian were common enough, and their running away serves to illustrate that the relationship was not idyllic. When Sebastião Martins Viana arrived at the police station to complain that the young José, a 6 year old pardo, had run away leaving his house abandoned, he did not know that José had already been brought to the station three days before, explaining that he had left

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<sup>74</sup> Ocorrências, 12th DP, 02/12/1919. In another case, a master informed the police that his servant had left his house: "He decided to inform them because he brought the girl from the country, and felt responsible, even though she is of age". Ocorrências, 14th DP, 10/06/1923.

<sup>75</sup> Ocorrências, 5th DP, 23/04/1915.



the house because he received 'many blows and little food'.<sup>76</sup> Sexual abuse was another possibility: when the police was called to deal with a mad woman at rua Club Atlético 23, they found that the supposed mad woman was the furious 13 year old Regina de Oliveira, an orphan deposited in the house by the Judge of Orphans. She complained of the beatings by her mistress, and told the police that she had been deflored by her mistress' brother, a 16 year old student of the military school [Colégio Militar], who promised her as a reward a gold bracelet.<sup>77</sup>

Such cases provide us with a clue to understanding the relationship between the police and the upper classes, and show that cases where the police had to act against them were better ignored. Even when there was the possibility of building a case, the police had many obstacles to face: after a night watch arrested Dr. Néelson Marcos Bezerra Cavalcanti, who gave the address of his office, for assaulting his mistress in front of two witnesses, the

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<sup>76</sup> Ocorrências, 19th DP, 25/02/1925 and 01/03/1925. The picture of the lives of young servants is appalling; Manoel, black, 11, was brought from Cantagalo to work in the house of an army General; Djanira Presciliana, black, 15, came from Campos and tried to commit suicide because she was not allowed to return. Ocorrências, 17th DP, 05/01/1925 and 24/01/1925. Alice Martucci, 13, came four days before from Porto das Caixas and wanted to return; Dolores Vidal, 16, ran away from the house of the delegado of the 24th DP; Francisco, pardo, 14, ran away after seven years of service in the house of Dr. Nelson de Vasconcelos. Ocorrências, 17th DP, 10/02/1917; 03/03/1917 and 14/03/1917. D. Maria Claudina de Oliveira lost her three servants in what looks as a mass escape; she describes them in terms used in the slave market: Almerinda, black, 17, stout, good teeth, almost fair hair; Leonor, 13, light dark [morena clara], curly hair, sympathetic, good teeth, fragile complexion; and Alzira, parda, stout, carapinha hair. Ocorrências, 15th DP, 13/09/1921.

<sup>77</sup> Ocorrências, 17th DP, 6/11/1922. Other cases were Esmeraldina, 17, dishonoured by the son of her master, Ocorrências, 17th DP, 10/02/1925, and Dorides Maria Rosa, who accused her master Comandante Alvaro Bastos of abusing her while threatening to kill her. In a complete disregard of the violent circumstances, the case was ignored because she was 24, Ocorrências, 12th DP, 21/03/1921.

case was dropped because she denied being assaulted.<sup>78</sup> The arrest of a National Guard Captain who seriously insulted the *delegado* - 'sent him to ... [the *comissário* dared not write where to]' - was refused by the Military Police and he had to be transferred to the *Corpo de Segurança*.<sup>79</sup> When a horse belonging to the ECEME [Army Staff School] was hit by a car, the procedure against the driver had to be dropped because it was the son of an officer who was riding the animal; the officer preferred to have the army face the expenses, rather than himself facing charges for allowing his boy to use the horse, and the police had to oblige.<sup>80</sup>

The capacity of the police to settle disputes and enforce their own decisions could not be properly sustained when facing recalcitrant members of the upper classes; they had to depend on good will that was not always available. When, Floriano Daltro Ramos, a student at Colégio Militar [a school for the sons of the military], reacted on a tram to the teasing by a group on a carnival spree and pulled a gun to shoot them, the *delegado* decided not to take his gun but only to advise him not to react like this. A few days later, Carlos Daltro and Almério Daltro Ramos were arrested, for a confused offence involving the kidnapping of a cab at gun point and attempting to strangle a dentist in a tram. Probably they were Floriano's relatives in search of revenge, since in the same night Floriano appeared in the station 'extremely nervous and without any justification for his presence', carrying his gun, which this time was confiscated.<sup>81</sup> The incapacity of the police when cases involved members of the elite became clear when one of the owners of the Hotel Fluminense came to complain about the misbehaviour of one of the guests, Dr. Vieira de Moraes. It seems that the doctor was making night visits to the room of a married lady - the wife of a railway engineer who was absent - this was causing scandal in the hotel, and other

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<sup>78</sup> Ocorrências, 12th DP, 11/01/1925.

<sup>79</sup> Ocorrências, 5th DP, 06/03/1915.

<sup>80</sup> Ocorrências, 19th DP, 15/06/1925.

<sup>81</sup> Ocorrências, 19th DP, 09/02/1925 and 13/02/1925.

guests were complaining. The hotel owner tried to bar the entrance to Dr. Vieira de Moraes, and the Doctor asked for police assistance. The *comissário* had to send a guard with him, to avoid further trouble, "because the parties could not reach an agreement, and Dr. Moraes not only admitted what he was doing, but insisted on his intention of continuing to do whatever he wanted."<sup>82</sup>

The enforcement of the law had to be very circumspect when dealing with those who had strong ties with the state structure. This became painfully clear on the night of 31 March 1917, in the police station of the 5th DP. At 11:30 p.m., Antonio Pereira was fined the statutory 10\$000 for being caught pissing against the wall of a city garden [Passeio Público]. Later, at 3 a.m., a civil guard found another man in the same place and circumstances ("with his member out, urinating in the curb" wrote a discomfited *comissário*). But the accused happened to be Almiro de Campos, judge of 3° *Pretoria Criminal* [3rd Criminal Court], who justified himself as doing what was common practice in this city. He also adhered to the common practice of the powerful and phoned the 3rd *Delegado Auxiliar* who ordered his immediate release.<sup>83</sup>

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<sup>82</sup> Ocorrências, 14th DP, 18/03/1913.

<sup>83</sup> Ocorrências, 5th DP, 31/3/1917. The same judge appears again on the Christmas night of 1919. A patrolman attended a complaint at 2:40 a.m. about screams coming from a house. Out comes the judge and explains, while abusing the patrolman, that he had a jealousy fight with his mistress in the Palace Teatro, and after arriving home she had a fit. The *comissário* made clear in the record that he was not happy with the behaviour of the judge to a policeman, but he had no concerns whether he was beating his mistress. Ocorrências, 13th DP, 25/12/1919. An absolutely similar case, when the police was forced to apologise to a judge after arresting him urinating in the streets of Mexico City, is narrated in Laurence J. Rolphe, Police and Penal Correction in Mexico City, 1876-1911: A Study of Order and Progress in Porfirian Mexico. PhD Diss., Tulane University, 1983, p. 171.

## CHAPTER VI

### POLICING WOMEN

The study of cases involving women, especially those related to moral behaviour, provides another useful instrument to analyse the practices of the police in early twentieth-century Rio. These cases offer two immediate advantages: they have been studied using other sources, mainly judicial records,<sup>1</sup> and they normally involve a plaintiff interested in the action of the police. A fact less frequently acknowledged about these cases is the important place they occupied among police duties. As pointed out earlier, women did not occupy a large place in the criminal statistics, but the concern about their criminality was growing everywhere in the late nineteenth century as part of the new positivist criminology, which reflected demographic and cultural changes. The new criminology emphasised the inherited and familial aspects of crime, stressing the role of women in reproduction and education. This criminology reflected a widespread discomfort among the

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<sup>1</sup> See Martha de Abreu Esteves, Meninas Perdidas: Os populares e o cotidiano do amor no Rio de Janeiro da Belle Époque. Rio de Janeiro, Paz e Terra, 1989, and Rachel Soihet, Condição Feminina e Formas de Violência: Mulheres Pobres e Ordem Urbana 1890-1920. Rio de Janeiro, Forense Universitária, 1989.

elites with the changing place of women in society, and tried to confine them to a more familial role, scientifically supported by biological reasons.<sup>2</sup>

Female criminality, therefore, attracted special attention from leading criminologists, who addressed a double standard of female behaviour. They could be at the same time the basis of a stable society and one of the main disruptive threats to social order. 'Either angels or demons', in Sighele's expression,<sup>3</sup> women either deserved special attention - care and protection - when angels, or were the subject of tight control - a word that to a large extent meant the use of the police - if they risked turning into the feared demons. The impact of the female criminal was not to be found in the statistics - in fact, as Zedner shows for England, there was a noticeable decline in recorded female crime - but in the spreading of criminal disorders either through breeding new weaklings or through the dissolution of morals caused by prostitution - the 'typical' female criminal according to Lombroso - and providing the ambience for the loss of weaker souls.

Although this indirect impact presented the most significant risk, criminologists were also keen to emphasise the traits of cruelty and machination that characterised some female criminals, making them a favourite subject for spectacular trials. Early psychiatric research had elected women - and hysteria - as very dear subjects,<sup>4</sup> and their recently constructed theories reached the courts, where specialists dissected their criminals/victims,

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<sup>2</sup> There is a growing literature about criminological thought and women in the late nineteenth century. See for England, Lucia Zedner, Women, Crime and Custody in Victorian England. Oxford, Clarendon, 1991, and for France Joelle Guillaud, Crimes of Passion. London, Polity, 1990.

<sup>3</sup> Scipio Sighele, La Donna Nova. Rome, 1898, quoted by Daniel Pick, The Faces of Degeneration. A European Disorder, c. 1848 - c. 1918. Cambridge, Cambridge University Press, 1989, p.93.

<sup>4</sup> See for example Charcot's exhibitions in the Salpêtrière described in Ruth Harris, Murders and Madness. Medicine, Law and Society in the Fin de Siècle. Oxford, Clarendon Press, 1989.

providing the press with names that became familiar in the period such as Gabrielle Bompard, Jeanne Weber - the ogresse of 'Goute d'or' - , Madame Caillaux or Madame Sternhell.<sup>5</sup> Acting in such trials could provide a claim to fame for many lawyers and psychiatrists.

The control of women represented a significant element of the general trend for tightening the control of behaviour in the late nineteenth-century Rio. Initiatives to limit the damaging consequences of prostitution were taken almost everywhere - or at least fiercely discussed as in Brazil<sup>6</sup> - and the role of women in modern society constituted a much debated issue, generating many claims for the education and protection of the poor woman. Rio de Janeiro's elite was not impervious to the European debates, and they clearly followed their lead in trying to limit or end prostitution, and in calling for the reinforcement of the familial role of women. This could be done through efforts to protect women, by passing legislation about deflorations that punished men for deceiving young women, or - if other efforts failed - through punishment and repression as in Alfredo Pinto's efforts to clean up the streets of women at night.

These efforts however were extremely limited given the reality faced by Rio's women. They had a long established place in the labour market, which required them to

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<sup>5</sup> Although tempting, this is not the place to discuss such cases. Details can be found in Ruth Harris, op. cit.; Pierre Darmon, Médecins et Assassins à la Belle Époque. Paris, Seuil, 1989, and Benjamin F. Martin, The Hypocrisy of Justice in the Belle Époque. Baton Rouge, Louisiana State University Press, 1984. I do not find such great women criminals in Rio de Janeiro.

<sup>6</sup> The bibliography on nineteenth-century prostitution is very large. Some good examples are Jill Harsin, Policing Prostitution in Nineteenth-Century Paris. Princeton, Princeton University Press, 1985, and Jean-Marc Berliere, La Police des Moeurs sous la III<sup>ème</sup> République. Paris, Seuil, 1992. For the debates about regulation in nineteenth-century Brazil, see Magali Engel, Meretrizes e Doutores. Saber Médico e Prostituição no Rio de Janeiro (1840-1890). São Paulo, Brasiliense, 1989.

spend a significant part of their lives in the streets, and they could also be exposed to shortages in the labour market that reduced them to poverty and need.<sup>7</sup> Belonging to the working strata of society, many women suffered that strata's needs and experienced their mobility, which could be an advantage over the strict controls experienced by women in the richer groups. Their position was also influenced by the changes caused by immigration, which filled the streets with young males isolated from their social backgrounds, providing an ample choice for marriage or companionship, and customers to the widespread prostitution.<sup>8</sup>

These women appear with some frequency in the daily police records. They can be found as offenders, suffering from the control deemed necessary by the elites who sought to avoid their presence in the streets. They could be brought in by the paternal eye of the police institution, concerned with their unprotected isolation in the male world of the urban streets, most frequently an unrequested protection, in circumstances when it is difficult even to define whether they were victims or offenders of public morality. They could also appear as victims, a position that is not statistically measurable, exhibiting the marks or merely complaining of the threats and injuries of urban violence, either caused by males or females. Such victims frequently presented themselves to the police in order to file a complaint but there is also an indication that many women found it more suitable to send a man to act on their behalf, showing that, for many women, police stations were not

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<sup>7</sup> The role of street life for the poor woman in nineteenth-century Rio is described by Sandra Lauderdale Graham, House and Street: The Domestic World of Servants and Masters in Nineteenth-Century Rio de Janeiro. Cambridge, Cambridge University Press, 1988.

<sup>8</sup> Historians have long discussed the role of marriage among the poor in this period. It is possible to present evidence of the importance of marriage such as the defloration complaints made to the police, but this same source provides many examples of non-married couples seemingly happy with their situation. The best formulation of the matter seems to be that marriage was desirable, although not altogether essential. See the discussion of this point in Rachel Soihet, *op. cit.*, chapter IV.

part of their world. Finally, women appeared in police stations as prostitutes, neither victims nor offenders, but part of an environment treated by the police as very close to the criminal world, and where policemen always played an important role. Prostitutes deserve a special mention because, for the police, they were not embedded in the usual feminine duality of angel/demon or victim/offender; they were already beyond rescue, and were subjected to an environmental policy of control which comprised tolerance and even some sort of good neighbourhood policy.<sup>9</sup>

To the policemen, mingling with women in their daily activities presented many sorts of problems. They were not directly affected by modern criminology as were those in the top echelons, but shared the more general view that women belonged to the familial sphere, and had to be guided and protected through the realities of the streets. Facing women, they faced individuals who were deprived of power in society, unless they could get males to act on their behalf, and the police was frequently called to play this role. But since they were also called, even more frequently, to discipline unruly women, they developed a greater consciousness of their power when facing those considered 'the weaker sex'. They could be cavalier and arbitrary in order to protect those women who played out their traditional role as vulnerable and in need of assistance, but they soon verified that when a woman did not enjoy this role, she could be subjected to much harsher treatment than most of her male counterparts.

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<sup>9</sup> It is very curious that prostitutes provided the model for the devil woman, and falling into prostitution was the fate the police attempted to avoid, but when confronted with a prostitute, the horror of this condition seems to vanish. The danger was the fall, but thereafter the relationship was restructured in other terms, without the contempt used in 'protection' of honest women.



## **a) Women as Victims: Sexual Offences**

Sexual offences were the main crimes associated with women as victims. They were not the only possible victims of such crimes, children of both sexes were also victimised in some cases, but they certainly were the most frequent, and in some crimes the only possible victims.<sup>10</sup> When the Penal Code of 1890 created the crime of defloration, defined in its article 267 as "to deflower a woman of less than 21, through seduction, cheating or fraud [sedução, engano ou fraude]" it established one of the more important causes of trial - by jury until 1916 - in the early century. The defendant in these cases would face a term of between one and four years in jail, unless he married the girl. The number of cases of defloration remained close to 200 each year, and were about 70% of the crimes against honour (immoral behaviour, rape, abduction and procuring were the others), increasing in the second half of the 1920s to an average of 400 each year, following the general increase in recorded crime.

In our sample, however, the number of cases of crimes against honour (not counting procuring, which is virtually absent) increased steadily, from 26 in 1909, to 54 in 1917 and 73 in 1925. Unfortunately, we cannot reach any conclusion since if we looked only to the sampled years in the general statistics, we would find the same steady increase (244, 304 and 498 cases). It is also significant that the cases relating to moral behaviour in 1909, except for deflorations and abductions, all resulted in arrests, which clearly differs from the later data, reflecting the more punitive attitude towards urban behaviour that characterised those early years of the century. The number of deflorations might be slightly higher than the figure presented here because it is difficult to distinguish them from the

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<sup>10</sup> Although homosexuality was not a crime, it is also present in police records, more frequently as an unwelcome invitation fiercely refused, but in a few cases as immoral behaviour, as when two youngsters and two stevedores were arrested in the yards behind the Escola de Belas Artes; Ocorrências, 5th DP, 14/08/1913.

cases classified as abduction; the latter was commonly a way chosen by the plaintiff to present his suspicion of a defloration.<sup>11</sup> On the other hand, 35 of the 89 cases of defloration found in our sample would have to be legally treated as rape, since the victim was aged 16 or under, therefore considered incapable of any form of consent. A few cases present a further problem in establishing the social condition of the victim; normally the police would be called in cases of poor women, but in certain cases we find better off relatives appearing as plaintiffs, such as a *comissário* and a lieutenant-colonel of the army. In such cases the role of the police would be only secondary, since the law expected those with means to prosecute privately, only allowing the police to proceed on behalf of those victims without support.<sup>12</sup>

The abductions and most of the deflorations had their origins in complaints made by relatives and occasionally by masters. These were cases which the police rarely failed to acknowledge, ordering investigations and *inquéritos*, and sometimes presenting the results of their action in the records. Our sample of 89 cases of defloration is very close to the sample made by Martha Esteves, and can be usefully compared with her data. It must be noticed, however, that we are dealing with complaints that did not necessarily go to court, and many cases certainly did not, being resolved by a quick marriage. This can offer useful insights into whether the police exercised a selection of cases before sending them to court.

Police records are very incomplete, even more so than the court records; but by comparing some of the statistics we can help establish the accuracy of the samples. In

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<sup>11</sup> In a clear case, a father reported that his daughter was abducted the day before, and that an anonymous phone call said she was in the coal store at rua Barão de Ubá 10b. A policeman found her there ready to admit the defloration and willing to marry. Ocorrências, 15th DP, 21/03/1919. To a much smaller extent, the same might be true for a few cases of runaway minors, who could have been girls escaping to meet their seducers.

<sup>12</sup> Ocorrências, 12th DP, 10/03/1920, and 19th DP, 29/05/1925.

Martha Esteves sample she found that 38% of the girls were white, 43% were *pardas* and 19% were black. Our sample is very close, showing 41% of whites, 41% of *pardas* and 19% blacks.<sup>13</sup> The colour of the accused appears much less frequently, and the results of both samples are quite different. Esteves found 16 white defendants, 4 *pardos* and 2 blacks. In my sample only 4 were white, while 7 were *pardos* and 6 blacks, although we could consider nine other defendants to be white because of their Portuguese, Italian or Spanish origin reported in the records. It may be that white defendants were better able to resist police pressure, forcing cases to reach the courts, while non whites found it more advisable to accept the marriage alternative. The number of cases where the colour is presented, however, is insufficient for a clear conclusion.

Looking at the evidence enables us to support many of Esteves' findings. There was a general tendency to favour the white girls, with more proceedings ordered by the *delegado* as well as by the judges: there were 9 *inquéritos* in cases involving white girls, and only two in cases involving black girls.<sup>14</sup> In each sample, there was only one case of a white girl involved with a non-white man. Esteves thought it to be a case where the couple chose the option of defloration to force the family to agree to the marriage; in our case also the accused promptly confessed, probably for the same reason.

The policing of sexual behaviour illustrates both the role of the police and of the citizens in the enforcement of laws and social values. It can also illustrate the police role in

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<sup>13</sup> Only 32 of the 89 cases register the girl's colour. We decided not to count two other cases where the white colour could be presumed by the Portuguese nationality.

<sup>14</sup> Although this creates a problem: if the outcome in the police stations was already biased, why does the statistical evidence from courts reproduce the same pattern, instead of showing the filtering of cases by the police?

committing crimes, many of the accused being policemen.<sup>15</sup> These crimes sometimes allowed the different police forces to show their differences and criticise each other: a civil guard brought in a night watch and a prostitute found acting against morals in the streets and remarked that this kind of behaviour by night watchmen was seen almost every night.<sup>16</sup> A public garden keeper brought in a military police private found with a 14 year old boy, who declared that had attended to the policeman's lustful desires because he was afraid of being arrested otherwise.<sup>17</sup> But it was not always so simple to harass youngsters. Another private made proposals to a group of boys who decided to teach him a lesson. One of them agreed to follow him to a field and there, he asked to see the policeman's cap. Helped by the others he stole the cap and carried it to the station.<sup>18</sup>

The public - or at least part of it - was very helpful in denouncing immoral behaviour. Neighbours complained about nakedness, making it impossible for the families to come to the windows, or debauched women, who received various and suspicious men. Worse still, a public employee saw the first floor of the house he lived in transformed into a brothel by a new tenant.<sup>19</sup>

A few cases presented more localised concerns, different from deflorations: complaints of child molestation, rape or attempted rape were uncommon. They seemed to

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<sup>15</sup> The official statistics present a table of crimes committed by police and military officers, where sexual crimes have an important place. This is not a specific characteristic of Rio's police; Barret-Ducroq's study of the Foundling Hospital in Victorian London present some examples of the illicit loves of the London bobbies. Françoise Barret-Ducroq, Love in the time of Victoria. Sexuality, Class and Gender in Nineteenth-Century London. London, Verso, 1991, p.76.

<sup>16</sup> Ocorrências 14th DP, 07/03/25.

<sup>17</sup> Ocorrências 14th DP, 16/02/25.

<sup>18</sup> Ocorrências 19th DP, 14/03/17.

<sup>19</sup> Ocorrências 12th DP, 03/02/25. The same complaint in Ocorrências, 12th DP, 11/05/1921.

be frequently linked to the housing conditions or the family structure of those involved, in cases such as men entering women's rooms in rooming houses, rejected lovers abusing children as a form of punishment, or an occasional exhibitionist, but these cases are too scarce to attempt any interpretation. Another indicator of the sexual activity in Rio may be found in the cases related to pregnancy: abortion, infanticide and child abandonment. Such cases have always represented a difficult task for historians since they were some of the most difficult to prove, strong evidence being required to achieve a conviction. In the police records they seldom appear as such, but their existence can be implied, especially through the reports of aborted fetuses.<sup>20</sup>

Two stories usefully illustrate the limits to which police authority was carried by the plaintiffs. The first involved a scene which is part of the *imaginaire* of the period: a husband called the police to certify the adultery of his wife.<sup>21</sup> The *comissário* went to investigate; such a complaint could lead to a sentence of up to three years in jail for the adulteress and her 'accomplice'. It was an awkward and unusual situation; Galdino Siqueira, in his comments on the Penal Code in 1924, remarked that as far as he knew this article of the law had never been used, and the husband who tried it would be despised by society, being as guilty as the woman. Galdino reinforced his opinion by quoting the old

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<sup>20</sup> On 8/02/1925, a foetus was found in some bushes near a lamppost in the area of 19th DP. On 15/01/1917, the 12th DP received two foetuses preserved in alcohol; another one, in advanced putrefaction was presented in the same station on 14/2. More common were cases when persons reported a miscarriage so that the police could transfer the corpse to the morgue. There is no evidence that most of these cases deserved further inquiries, unless there were suspicious circumstances, as when a maid locked herself in a toilet and later announced that she had given birth to a dead child. Ocorrências, 15th DP, 24/07/1921. A rare case of abortion followed by death can be found in Ocorrências, 13th DP, 24/03/1915.

<sup>21</sup> Margareth Rago, *Os Prazeres da Noite*, São Paulo, Paz e Terra, 1992, shows a belle époque postcard representing the *flagrante* in an adultery case.

saying: "a woman is like wax, and takes the shape that is given to her".<sup>22</sup> This case, in March 1925, might have been the first if the *comissário*, much to his relief, had not been unable - or unwilling - to find any evidence. He recorded that he found the 'adulteress' in the living room, and that she declared that she had no intention of continuing to live with her husband, having found another man.<sup>23</sup>

In the second case a mother came to the station to ask for the medical examination of her thirteen year old daughter to verify whether she was still a virgin. A neighbour had accused the girl of 'being deflowered and of offering herself to the lust of dozens of boys in the neighbourhood'. The mother, in order to have a clear conscience, thought the police to be the proper agency to verify the truthfulness of the accusation.<sup>24</sup>

These cases show an expectation of police work, one based on the real terms of the law, the other in the implicit recognisance of their power, which went well beyond the police willingness to act. The surveillance of wives and daughters or the issuing of a

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<sup>22</sup> As a matter of fact Galdino seems to be exaggerating because cases of adultery appear once in a while. Oscar Macedo Soares quotes from an acquittal sentence by Viveiros de Castro in 1897; Oscar Macedo Soares. Código Penal da República dos Estados Unidos do Brasil, comentado. 5th ed., Rio de Janeiro, H. Garnier, [1910], p. 576-577. There is also in the Jornal do Comércio, of 17/02/1917 a story that Miguel de Souza Melo e Alvim requested assistance from the 4th DP and caught his wife in adultery with navy lieutenant Antonio Cabral Lacerda. The statistics for the period 1925 to 1929 list 18 cases under articles 279 and 280 of the Penal Code. Galdino Siqueira, Direito Penal Brasileiro. Segundo o Código Penal mandado executar pelo Decr. 847 de 11 de Outubro de 1890 e leis que o modificaram ou completaram, elucidadas pela doutrina e jurisprudência. Rio de Janeiro, Jacinto Ribeiro dos Santos, 1924, 2 vols., p. 514.

<sup>23</sup> Ocorrências 5th DP, 28/03/1925. It might be argued that such statement precisely meant an adultery, but the police did not consider it this way.

<sup>24</sup> Ocorrências 19th DP, 15/01/1925. It should be noted that such a request was not altogether absurd because it was the practice for the police to require medical examinations of young women found late in the streets with their boyfriends.

guarantee of their good behaviour was transferred to the police. Of course these were exceptions, husbands usually exercised their authority instead of delegating it to the police - we shall see the wife/mistress beatings tolerated by the police. But those who found themselves powerless would trust the police to enforce 'proper' behaviour.<sup>25</sup> The police would be reluctant to act, since a failure was perceived originally in the behaviour of the husband; he should have taken steps to avoid the situation coming to such an end. In such a case a wife-beater, or in cases of adultery even a wife-killer, would probably receive more sympathetic treatment than a legally based adultery plaintiff.

The cases of defloration and abduction are some of the best in showing the action of the police after a complaint. An abduction usually involved an immediate danger of evil - the dreadful defloration - and the police took steps to find the girl. The plaintiffs also tried to help in many cases, although some were quite calm, such as Sabina Botta, who waited three weeks before filing a complaint.<sup>26</sup> In one case the police reported that an agent had left town in search of the couple, and in at least three others the girl was reported found. On the night of 7 February 1917, a cook came from her job in Gávea, a distant area of the city

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<sup>25</sup> In cases of adultery, husbands might call for the intervention of the police and, in the end, agree with the general understanding that he was not supposed to bring charges. One husband demanded the arrest of his wife and her lover, and in the station demanded to know where they had spent the night. After they answered that they went to a ball in Bonsucesso, "he declared that he was satisfied and left"; Ocorrências 13th DP, 11/12/1923. The same happened when a fireman caught his wife with a civil guard. They were arrested and released because he did not bring charges; Ocorrências, 12th DP, 03/10/1921. See also Ocorrências, 5th DP, 11/03/1922, where the husband demanded police intervention only to base his divorce [desquite] action on it.

<sup>26</sup> Ocorrências 12th DP, 27/01/1917. A contrary case is the case of Henriqueta Kranscher who came from the city of Petrópolis in search of her daughter, and enlisted the help of the 13th DP to apprehend the daughter and her seducer; Ocorrências 13th DP, 28/01/1925. The differences found should serve as caution to any attempt to generalize about popular family behaviour in the period.

to the 13th District to complain about the abduction of her daughter, who worked as a servant, by the married barber of a police battalion. The police kept working on the case and he was arrested fifteen days later.<sup>27</sup> Another woman, the Portuguese Maria Jesus da Conceição, could not rest after she found that her daughter had run away with a man she met during carnival.<sup>28</sup> She informed the police and started chasing the fifteen year old girl, until she got information that she had entered the rooming house at rua General Pedra 10 with a man. She got hold of two civil guards and forced entry, against the resistance of the manager who denied the presence of such couple, finding both in underwear and permitting the arrest in *flagrante* of the man, a rare situation in deflorations.<sup>29</sup>

An alliance to protect the honesty of the young girls seemed to prevail. Relatives and police acted together in the surveillance of sexual behaviour. In the cases of defloration, the mothers were the main sources of complaints, appearing in 36 cases, followed by fathers in 18, and brothers in 6. This matriarchal tendency probably reflects a real trend of fatherly absence, more than the exercise of a specific female authority in the couple; in a few cases the mothers explained why they came instead of the father, and brothers explained that they were replacing mothers unable to come. A few cases came from employers who showed concern about their domestic servants. There was a sense of responsibility founded in traditional paternalistic relations, reinforced by the fact that many of these servants had been brought directly from the country, and this encouraged many

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<sup>27</sup> Ocorrências 17th DP, 17/01/1925, Ocorrências 13th DP, 08/02/1917.

<sup>28</sup> Carnival was frequently present in defloration stories. Francisca de Paula presented her complaint in military police barracks, because her seducer was a private. She told that the defloration happened during the carnival festivities, but she could not be precise about the place, 'only remembering that it was in some bushes in the area of this district'. Ocorrências, 19th DP, 24/3/1927. See also 5th DP, 15/2/1927.

<sup>29</sup> Ocorrências, 14th DP, 11/3/1918.



masters to control the sexual behaviour of their servants.<sup>30</sup> In addition, we can not dismiss the fact that too liberal sexual behaviour by servants, in close contact with the family, might have been seen as threatening the upholding of moral values and even the creation of problems of hygiene, given the pervasive fear of venereal diseases. Problems could be brought home, as when a woman found a man in her servants' bedroom; she called the police and they arrested a man who turned out to be a military police private. It was necessary that her servant Geraldina explained that she allowed him in, to wait for his girlfriend, the servant Risoleta. While waiting, he and Geraldina had sex.<sup>31</sup> Of course not all employers behaved the same way, and some were accused by the women, even of employing violence in some cases. Avilez Antonio da Rosa complained that his daughter Dorides was defiled by commander Alvaro Bastos who forced her with death threats; the police ignored the complaint because she was more than 21 year old.<sup>32</sup>

An important point is how the girls reacted to this police interference in their lives, and why in some cases they looked for it. The first point to note is that only in eight cases did the victim freely decide to go to the police. In two other cases they seemed to choose a complaint of defloration as a diversionary strategy when faced with charges of theft; another took power into her own hands and assaulted her deflowerer, when she found him walking with another girl. The defloration complaint appeared after she was charged with assault. Two other cases had their origin in proactive policing: in one case an *investigador* found a girl in a suspicious house and brought her to the station where she

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<sup>30</sup> An employer reported the disappearance of a servant explaining 'that he brought her from the country, being responsible for her, even though she was apparently, of age'. Ocorrências, 14th DP, 10/6/1923. See also Ocorrências, 12th DP, 02/12/1919. These cases provide a counterpart to others in which sexual abuse originated inside the household, or in which employers do not care about what happened to their servants.

<sup>31</sup> Ocorrências, 14th DP, 16/09/1925.

<sup>32</sup> Ocorrências, 12th DP, 17/03/1921.

admitted the defloration.<sup>33</sup> The other case is more complex and it is useful to attempt to follow the *comissário's* report, although this is not always an easy task:

Agent 153 working in the railway station about 5 p.m. saw a young man and a girl talking. Zealous and helpful he approached and heard that the man was trying to convince her to accompany him. Suspicious, the agent followed them, taking a tram to the Largo do Estácio de Sá, where they got out, and the agent noticed that the girl was reluctant. At this moment he presented himself and brought the couple to the station. Here we verified that the girl - Alzira Montalvão, 15, daughter of Aníbal Montalvão - is one of the girls who had run away from home at Rua São Carlos 21, according to the complaint registered at the 9th District. Alzira declared that, eager to find a job, she had agreed with her sister Maria to run away and had indeed left home. Somewhere they met a man who made their acquaintance and went for a walk with him. Later they went to his house, where he deflowered Alzira. Her sister Maria followed another man that showed up, whose name Alzira does not know, as she also does not know where Maria slept. The same agent 153 arrested at rua General Caldwell, Tomaz Brito da Cunha, who is the man who deflowered Alzira. He declared that he met Alzira at Praça 11 de Junho, walked with her and her sister and then they went home. At his door he met a man who said he was a navy officer and that he came because he was called by Maria. Tomaz retired with Alzira, leaving them at the door, not knowing where they went. He adds that he had sexual relations with Alzira twice, but he does not think that he deflowered her due to the conditions of the act<sup>34</sup>

Young girls in the streets were viewed with suspicion, and subjected to a sometimes undesired protection. A civil guard brought two sisters to the station when he saw them with a group of men, "being known that they [the men] planned to carry the girls in a car to a distant place to practice perverse acts". The girls had to be kept in the station, because they refused to give their names and addresses.<sup>35</sup> The action of the police could be even more interfering with people's lives. A civil guard informed the *comissário* of the entry of a young man and a girl in a suspicious house in rua do Passeio, and the *comissário* forced entry into the room, to find a young law student dressing and a girl in underwear hidden in the wardrobe.<sup>36</sup> The surveillance of such houses was part of the police duties, and

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<sup>33</sup> Ocorrências 12th DP, 15/01/1925.

<sup>34</sup> Ocorrências 14th DP, 14/02/1917.

<sup>35</sup> Ocorrências 5th DP, 08/01/1925.

<sup>36</sup> Ocorrências 5th DP, 23/01/1917. This case is not counted among the deflorations since there was no evidence of what happened in the medical examination. A few days later the house was fined for failing to keep records.

in certain periods we can perceive that policemen were dedicated to prosecuting the managers of rooming houses who accepted unregistered couples on charges of procuring.<sup>37</sup>

Certainly some girls looked for redress through a complaint to the police. One girl clearly presents a history that began with lascivious acts in the rua Costa Bastos, and continued subsequently in the Guarany Cinema. After this the man retracted his promise of marriage, and so she decided to complain.<sup>38</sup> More difficult to make sense of is the case in which the girl suggests two possible offenders.<sup>39</sup>

When the complaint was made by a relative, the girl still had some alternatives. She could comply with the denunciation or deny it. A refusal to name the accused or the suggestion of a different name - an old boyfriend, dead a long time ago - would make a process virtually impossible.<sup>40</sup> Compliance could be made unavoidable by circumstances, even though a pregnancy could be kept secret for a long time; two girls were found only

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<sup>37</sup> The rooming houses charged with renting room for sexual purposes are more or less the same, but periods of repression are very irregular. Between February and April 1915, in the 5th District, 10 house managers were arrested, one of them twice. One of the houses, at rua Pharoux 12, appears again in August 1921. Ocorrências, 5th DP, 23/02/1915; 25/02/1915, 26/02/1915, 01/03/1915, 08/03/1915, 10/03/1915, 18/03/1915, 17/04/1915, 19/04/1915 and 14/08/1921 and 19/08/1921. This surveillance may help to explain cases when the house manager informed the police. Ocorrências, 14th DP, 17/05/1920. Another manager went further and arrested the man himself for attempted defloration. Ocorrências, 12th DP, 30/1/1924.

<sup>38</sup> Ocorrências, 12th DP, 07/04/1921. In this case it is not clear whether the defloration occurred or only the lascivious acts.

<sup>39</sup> Dolores Pereira da Silva, 18, an orphan living with her aunt, accused Alvaro Marques de Almeida of deflowering her. She did not know where it happened because she did not know the city. Sent to the district where she lived, she accused her employer Antonio de Carvalho. Later she accused Alvaro again. Ocorrências, 12th DP, 17/03/1921.

<sup>40</sup> Ocorrências 12th DP, 28/02/1917 has an unknown deflorer; Ocorrências 12th DP, 06/01/1917 has the name of a dead man given as the offender.

because of childbirth, and one when she attempted suicide. In many other cases, especially in abduction cases, charges seem to be part of a strategy to force marriage. On 31 March 1925, a military police private arrived at work in the 10th District confessing a defloration he had just committed.<sup>41</sup> He was probably willing to marry, as happened in six other cases recorded, some others noting only that the accused was ready to repair his misdeed.<sup>42</sup> One case the *comissário* chose to resume in the caption: 'Runaway minor, defloration... and marriage'.<sup>43</sup>

The police apparently shared the concerns of relatives about the moral behaviour of young girls. On the night of 28 November 1910 the *comissário* decided to keep Benjamim Portela in jail, following a complaint made by his fiancée's brother. Benjamim had picked up the girl at 7 p.m., only returning after 11. The girl declared that he had not offended her but the *comissário* thought it prudent to keep him until the *delegado* had a chance to talk with her mother in his next audience the following day.<sup>44</sup> Sometimes, the concern expressed was against the will of the supposed victim; the mother/police alliance arrested a man when he went to ask for the clothes of her daughter, who apparently had

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<sup>41</sup> Ocorrências 12th DP, 31/03/1925.

<sup>42</sup> This does not imply that they got married. Martha Esteves presents cases where the defendant agreed to marry and later changed his mind.

<sup>43</sup> Ocorrências, 12th DP, 29/8/1922.

<sup>44</sup> Ocorrências 15th DP, 28/11/1910. Cases of couples picked up by the police at late hours are quite frequent, reinforcing the idea of an unofficial curfew for young women. Francisca Pereira da Silva, orphan, 18, servant at Travessa Cruz 14, was found walking with Gustavo Rodrigues Bizarro, Brazilian, pardo, 30, painter, at 2:30 a. m. He was arrested; she was questioned by the *comissário*, and explained that they did it more than once, having slept together on the Saturday before in a *casa de tolerância* [brothel] at rua Senador Eusébio. She went on explaining that she was still a virgin 'because Gustavo had not dishonoured her, having, however, practiced libidinous acts'. Ocorrências, 15th DP, 06/07/1913.

moved to live with him without her mother's consent and the legal bonds of marriage.<sup>45</sup> Objections to unmarried liaisons came from relatives, even though the girls had agreed with the relationship. A brother, "older and married", replaced his mother in a complaint when a girl left for the house of a friend who lived with a man without being married. Gossip related that she had been deflowered in her new home by a fishmonger.<sup>46</sup>

According to Martha Esteves, the Brazilian elites, through their criminal justice system, adopted two different strategies in dealing with a perceived deviation in woman's sexuality. They could either act punitively, reinforcing deviancy or opt for a civilising approach, which meant promoting marriage in the case of deflowered girls. What should be made clearer is the different weight given to both alternatives by the agencies of law enforcement. We can see that juries were reluctant to cooperate with the civilising tendency showed by the judges, since most of the trials ended in not guilty verdicts.<sup>47</sup> The police, on the contrary, appear in all cases sent to court as enforcers of the civilising approach. Since they were responsible for the first step of prosecution, they were bound to ask for the punishment of the defendant. On two occasions, Esteves presents complaints made by the defendant's lawyer against the behaviour of the police.<sup>48</sup>

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<sup>45</sup> Ocorrências 19th DP, 25/05/1925.

<sup>46</sup> Ocorrências 19th DP, 04/05/1925. In another case the complaint was made by a sister joined by the wife of the seducer; Ocorrências 19th DP, 24/05/1925.

<sup>47</sup> Esteves, op. cit., p.108-109. We cannot offer percentages because the numbers presented in this paragraph do not add up correctly. An analysis of the jury in Brazil is necessary; we hardly have any information on how it was composed or how it worked. An insightful explanation on how it works nowadays can be found in Roberto Kant de Lima, Legal Theory and Judicial Practice: Paradoxes of Police Work in Rio de Janeiro. PhD Diss, Harvard University, 1986. It seems quite probable that juries presented a more popular view of sexuality, legitimating male abuses, as opposed to judges concerned with the safeguard of morals and protection of fragile women.

<sup>48</sup> Esteves, op. cit., p.93 and especially 103-104.

The records of police stations confirm the option for what Esteves calls the civilising approach, i.e., the sympathetic alliance of the police with those who wanted to punish the deflowerers or promote the marriage of the parties. After being satisfied that the offended girls fulfilled the requirements of age and poverty,<sup>49</sup> the *delegado* would write his order for an *inquérito* in 52 of the cases, record the marriage in six and send nine cases to other districts.<sup>50</sup> When a friend came to the rescue of an alleged deflowerer, willing to declare that he also had had sexual relations with the girl, the *delegado* dismissed his statement, as not important at this point of the procedure, it being only of interest to the courts.<sup>51</sup> The police could be useful in putting pressure on the accused to agree to a quick marriage; one accused came to the station declaring that he definitely would not marry the girl, having found her already defiled. He presented the marriage certificate five days later.<sup>52</sup> Deflorations were cases the *delegado* would not simply ignore.<sup>53</sup>

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<sup>49</sup> The procedures in cases of defloration were complicated by its position in a shady area between public and private prosecution. To enlist police help the victim had to be proven incapable of hiring private counsel. They also had to prove that they were under 21 year old. The poverty clause was one of the main procedural complaints of defendants' lawyers, and the refusal of the proof of age was a useful device for jury acquittals. See Esteves, op. cit., p.92-94.

<sup>50</sup> The plaintiffs usually went to the nearest police station but procedures had to be carried out in the district where the defloration occurred. That is why so many cases had to be moved. In two of the cases they had to be moved between two districts of the sample, but one did not reappear.

<sup>51</sup> Ocorrências 19th DP, 20/04/1925 for the arrest and 23/04/1925 for the statement of the other man.

<sup>52</sup> Ocorrências 19th DP, 04/09/1925. This *delegado* presents a remarkable record; in September and October of 1925 he received twelve complaints of defloration and records confessions and marriages in nine. One was sent to another district, one had an *inquérito* and one is not clear, with a note treating it wrongly as the same as the one transferred to other district.

Consideration of the sexual misbehaviour of young women, however, was not restricted to deflorations. In a few cases they apparently took a decision to become prostitutes, forcing their relatives to call for the help of the police. We do not have enough evidence about the consequences of such calls,<sup>54</sup> but it is evident that attitudes toward sexuality were extremely varied, allowing some women to seek police help while others explicitly refused to cooperate with them.

## **b) Women as Victims: Domestic Violence**

This broad sexual freedom that existed in the city makes it very difficult to have a clear cut approach to the subject of family; in most cases it is impossible to define whether we are dealing with long or short term relationships, and even the statement of marriage might be of no practical consequences, many couples being separated by migration or for other reasons. Whatever the circumstances however, it is clear that violence against women in a relationship was an issue. The official statistics provided evidence of the significance of interpersonal violence among Rio's crimes, and of the minor role played by women as violent offenders, but what cannot be found in such data is the part played by women as victims. In our sample, they are involved in a large number of such cases, most of the time as victims (see table).

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<sup>53</sup> As early as 1898, one *delegado* pointed out to the Chief of Police that he did not have the power to keep a man accused of defloration in jail and the Chief replied that it was not a matter of law but of right and wrong, and the man should be kept anyway. AN, box 6C28.

<sup>54</sup> Ocorrências 12th DP, 02/04/1917 and 02/10/1925. In the first case, a seventeen year old girl was thought to be in the Mère Louise, a well known and well frequented brothel. An agent was designated to investigate the complaint.

Number of Assaults and cases with women involved

	1909	1917	1925
assault cases	199	269	227
involving women	41	93	84
%	20.6	34.57	37

The cases where a relationship is clearly stated in 1909 were only six, but even here the character of the relationship is not clear. There was only one husband accused of assaulting his wife, when the Italian Carlos Vairo was arrested, at request of his wife, and accused of beating her.<sup>55</sup> All other couples were described as lovers, and relationships might have been flimsy, as the one between military police sergeant Manoel de Barros do Nascimento and the prostitute Maria Laudelina da Silva. After his arrest in her house he was sent to his barracks, but was left free by his fellow military policemen; he returned to her house armed with a razor, and had to be rearrested.<sup>56</sup> Many cases do not show a connection between offender and victim but they share the same address; some of these could involve relationships but they could also be disputes among neighbours in the cramped collective housing of Rio.<sup>57</sup>

Other cases involved attempts to create relationships, when men could turn violent if refused. Army soldier Artur *Nenem* [Baby] gave three razor stripes to Maria Augusta de Jesus when she refused his invitation to go to a party; the next day, the shop assistant Zeferino Ferreira, a sixteen year old Portuguese, directed his attentions on the thirteen year old Dolores Maldonado; rebuffed, he punched her.<sup>58</sup> This is only a fraction of the cases that were in some way connected with relationships between the sexes; the disputes caused by

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<sup>55</sup> Ocorrências, 14th DP, 12/02/1909.

<sup>56</sup> Ocorrências, 5th DP, 09/03/1909.

<sup>57</sup> Many cases are clear disputes among neighbours or between landlords and tenants. See Ocorrências, 12th DP, 02/03/1917 and Ocorrências, 19th DP, 20/01/1925 and 23/03/1925.

<sup>58</sup> Ocorrências, 14th DP, 10/01/1909, and Ocorrências, 15th DP, 11/01/1909. Both cases received small notices in the Jornal do Comércio.



men resenting approaches to their companions or members of their families are very difficult to count.

In cases involving couples the police tolerated a considerable amount of violence, which usually was male violence. One explanation, already noted, is that policeman were sympathetic to the predicament of some men, who had to deal with the misbehaviour of wives or partners. The best example probably is to be found in the following report made by *comissário* Eurico Brasil:

At 15:30 Mr. Alvaro de Moraes, resident at Rua Miguel de Paiva 179, Mr. Oswaldo Alves da Encarnação, resident at rua da Concórdia 21, and Mr. Durvalino Alves da Encarnação, same address, came to this station and informed me that at rua da Concórdia 66 a husband tried to kill his wife who betrayed him. Hildebrando Alves da Encarnação, Brazilian, white, married, 34, resident at rua da Concórdia 66 was the accused; Itália Gliosse da Encarnação, Brazilian, white, married, 28, same address, was the victim. At 16:00, Hildebrando freely presented himself to me and told his story: for some time he noticed with deep pain that his wife was not faithful, in spite of the twelve years of marriage and their five sons. Working in a store - the Silva Araújo - it was not always possible for him to sneak back and watch her activities. A few times he noticed the strange behaviour of Itália, who was always ready with an explanation. The time went by and the day before yesterday, entering home at night he caught his wife in the act of adultery. Carlos Ulrich, his neighbour at number 70 had become her lover, and it was him Hildebrando found in Itália's bedroom. Ulrich took advantage of the painful surprise of Hildebrando to run away by the back door, leaving however his hat and umbrella, objects that I showed to him in this station and which he agreed to be his, confessing that really he left them when he ran. Hildebrando listened to the pleas of his sons and did not take violent revenge but left home, returning today to fetch the children. Itália, believing in Ulrich's promises, instead of receiving her outraged husband with humility, treated him harshly beginning an argument about the children. Hildebrando could not bear this anymore, got his gun from the bedside table and fired three times, hitting her once in the chest. Dazed, not knowing what he had done, trying not to make things worse, he stumbled out and came here to present himself...<sup>59</sup>

The report is presented in a very sympathetic tone, the *comissário* suffers with the deceived husband, and understands why he behaved violently - after trying to avoid such an ending. The husband's behaviour is fully comprehensible to the policeman and calls for the male solidarity appropriate for the circumstances. This was an example of proper behaviour, much more acceptable than those husbands who called the police to verify adultery.

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<sup>59</sup> Ocorrências, 13th DP, 06/11/1923.

The reluctance of the police to interfere may also be perceived in the frequent observations that the same man has been known to assault the same woman before. In the 13th District, João Batista do Espírito Santo was arrested twice - with a month interval - for assaulting his mistress. In spite of the *inquérito* resulting from an incident when he hit her with a table fork on January 4, he was prepared to use a knife on her on February 3. As she was his mistress - and even less deserving because she was identified in the records as a prostitute - the police were not very interested.<sup>60</sup> The electrician Joaquim Antonio Pereira brandished a gun towards his mistress - Helena Lundel, in the police records, or Delman according to the *Jornal do Commercio* who will be discussed again when we turn to the topic of vagrancy - when she went looking for him at his job; he was brought to the station with the further information that eight days before he had been arrested in another district for throwing boiling water at her. According to the press he was to be prosecuted for the illegal possession of weapons.<sup>61</sup> When Rosa Ferreira dos Santos complained that she was beaten by her lover Arlindo Angelo Lopes, the *comissário* ended with the remark: 'this man has assaulted his mistress many times and has already been arrested for this reason in the 16th DP'.<sup>62</sup>

The reluctance of the police to interfere might be explained partly because of the widespread views of male authority, and partly because of their own experience about the behaviour of victims who withdrew their complaints. Prosecution could disrupt an

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<sup>60</sup> This case is unusual because he wrote a long letter to the press to explain how he was provoked to crime by her behaviour, working as a prostitute and taking another lover, a waiter who offered her stolen gifts from his restaurant. *Jornal do Commercio*, 10/2/1917 and *Ocorrências*, 13th DP, 04/01 and 03/02/1917.

<sup>61</sup> *Ocorrências*, 15th DP, 28/01/1909 and *Jornal do Commercio*, 29/01/1909.

<sup>62</sup> *Ocorrências*, 19th DP, 14/01/1917. In 21 June 1923 an 'old man' - aged 46 - attempted to kill his wife with a chisel. The *comissário* notes that it was the third time he had made an attempt against her life but the *delegado* chose to ignore the case. *Ocorrências*, DP, 21/6/1923.

arrangement which was either necessary in order to avoid poverty or desired, because the lover had the means to provide for a better life. When the police were called to investigate a strangling in the Hotel dos Estados, rua Maranguape 15, reported by the *Assistência*, the wife of the owner explained that nothing happened but she had had a 'nervous crisis', as frequently happened. Waldemiro Ribeiro, white, 20, single, worker, was arrested by a policeman for beating Isaura Maria de Oliveira, parda, 27, single, living with the offender, with a wooden stick. After her injuries were treated she came to the station to explain that she had hurt herself by falling.<sup>63</sup> Maria Mercedes, black, 40, employed as a cook was assaulted and hurt on the forehead but refused to follow the policeman to the station; many others could not be found for medical examinations.<sup>64</sup>

That many policemen shared the general assumptions about the authority of the male is apparent in the number of cases where the offenders were policemen. Just as Sergeant Nascimento, cited above, had the prostitute Maria Laudelina as his mistress, so did many others. Olívia Eliza da Silva went to the 12th DP to complaint that she had been assaulted by the military police *anspeçada* number 697, João Lopes Ribeiro, and explained that they 'lived as husband and wife'; a less well established relationship was claimed by the cook Francisca Luiza de Souza, beaten by her lover, the civil guard João de Tal [*de tal* means she did not even know his surname].<sup>65</sup> Such cases seems to illustrate that policemen shared a common view of male violence, which was probably made more ordinary through their daily acquaintance with violence at work; but it may also suggest the hardship of life in the police forces, where salaries were low and relationships hard to establish and to keep, provoking stress and brutal reactions. The shooting dead of Livia Bellini Usiglio, 17, white

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<sup>63</sup> Ocorrências, 13th DP, 04/03/1925 and Ocorrências, 14th DP, 03/03/1917.

<sup>64</sup> Ocorrências, 19th DP, 05/01/1925. For victims not found see Ocorrências, 5th Dp, 02/01/1925 and 03/02/1925.

<sup>65</sup> Ocorrências, 12th DP, 02/03/1917, and Ocorrências, 13th DP, 17/01/1917.

Brazilian, resident at rua da Misericórdia 65, offers an example. She was murdered by her husband, military police sergeant Manoel Espiridião Abreu, 26, black, Brazilian, who gave a military police barracks as his address.<sup>66</sup> In fact they had married and lived together for less than three months before she returned to her father. She refused his calls to return live with him. When he was on duty at Avenida Central during carnival, he was taken aback when he saw her in a car with her sister and another man. He took her from the car and tore her costume while carrying her to her father's house. Three days later, when her father was out discussing the divorce with a lawyer, he entered the house and killed her.<sup>67</sup> We do not know the outcome of this case but husbands who killed wives were famous for receiving lenient treatment by the courts, usually acquitted on the grounds of temporary loss of sanity. The lawyer Evaristo de Moraes made quite a name as defender in such cases from the early years of the century.<sup>68</sup>

We can notice a slight distinction in the police treatment of cases that involved ex-lovers or abandoned husbands. Estranged wives or former lovers were able to enlist police help more easily; male rights seemed to cease or at least diminish when the couple split up. Luiza Quintanilha registered a complaint of death threats against her former lover and got

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<sup>66</sup> Ocorrências, 5th DP, 22/02/1917.

<sup>67</sup> Jornal do Comércio, 22/2/1917.

<sup>68</sup> Evaristo himself describes his first case of crime of passion, the defense of the alferes Almada in 1900, in his Reminiscências de um Rábula Criminalista, Rio de Janeiro, Briguier, 1989, p.156ss. In the same February 1917, when Sergeant Abreu murdered his wife, Evaristo achieved the acquittal of João Ferreira Duarte, who killed his mistress in December 1915. In the same month, Navy Admiral Batista Franco was on trial, accused of killing his wife's lover, for whom she had left him. On the subject, in a column in the Jornal do Comércio in 7/3/1909, João Luso had written the story of a young fiancée who gave up marriage because she was convinced that husbands killed their wives. On the general subject see Susan Besse, 'Crimes of Passion: the campaign against wife killing in Brazil', Journal of Social History, 22, (4), summer 1989, pp.653-666.

him arrested the next day for trying to force her to spend the night with him. The *delegado* ordered his prosecution for assault.<sup>69</sup>

The protection of abandoned wives was part of a general attitude towards lonely women, who were viewed as easy prey, deserving the vigilant protection of society; the woman who had a partner had her protector. It is significant how much of her social identity the married woman lost through marriage. The police station was one of the places where she was not expected to appear; explanations were needed when she did so and commonly she was represented by a male. In one of the assault complaints, a husband reported that his wife was assaulted by a neighbour, but her name is absent from the records.<sup>70</sup> The same might also happen when a woman was the aggressor, where she would be identified only as 'the wife of' someone.

Values such as honour and decency can sometimes blur the distinction between offender and victim. Biazina Siciliano, 33, Italian, married was arrested after stabbing Francisco Santoro, 25, Italian, single, to death. In the police records it appears that she was constantly persecuted by Francisco with illicit proposals and threats; the same is reported by the *Jornal do Comércio*, that seems to have considered the case so justified and unimportant that it did not even report the death of Francisco. It is one of the few cases where we know the outcome: she was acquitted on the grounds that she was protecting her honour.<sup>71</sup> The universe of offenders was no different of the universe of the victims.

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<sup>69</sup> Ocorrências 12th DP, 03/09/1917.

<sup>70</sup> Ocorrências, 15th DP, 02/02/1909. In many cases when women appeared in police stations, they found it necessary to explain that they were there because of the sickness or absence of their husbands.

<sup>71</sup> Ocorrências, 5th DP, 30/01/1917. The result of the trial is reported by Rachel Soihet, op. cit., p. 305-306, who found the trial records in the Tribunal do Juri. The acquittal was confirmed by a superior court on 17 January 1920.

### c) The female offender

Biazzina Siciliano did not fit the common image of the female offender, but her crime in defending her honour places in focus this essential issue in analysing the female offender. Crimes committed by women frequently involved the matter of protecting or losing honour. If Biazzina protected her honour to the end, its loss began the down spiral that finished in murder for Lucia Lucero, the 'Bela Chilena'. Her story appears very briefly in the records; she was arrested on the night of 11 February 1925 accused of attempted murder, after shooting her lover, the Portuguese (or Spanish according to the *Jornal do Comércio*) cab driver José Antonio Infante Algarve. In a note in the margin, it is reported that he died next morning. The newspapers provide further details about the murderess; it was rumoured that in her native Chile she had married a lyric singer against the wishes of her family and had lived with him until he abandoned her in Rio where 'she delivered herself to an adventurous life, until she descended so low to become the mistress of a cab driver', finishing by killing him with three shots in her *boudoir*.<sup>72</sup>

Lucero and Siciliano were the extreme cases of female criminality; most of the time reality was much more petty. The female offender, statistically only a small part of the world of offenders, was basically a misdemeanor. Presenting a woman as a vagrant was somewhat contradictory within the prevalent ideology, in which women were not supposed to work outside her home, but the authorities were constantly concerned with the presence of many women in the streets, and the police would act on any breach of proper behaviour. This explains the high number of arrests on charges of drunkenness and disorder rather than vagrancy, and also permits an understanding of why some women were targeted as undesirable and became the victims of constant arrests on such minor charges, often only a few days apart, sometimes by the same policemen. When the *Jornal do Comércio* chose

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<sup>72</sup> Ocorrências, 12th DP, 12/02/1925 and Jornal do Comércio, 13/02/1925.

to represent the night duties of a civil guard, the writer described him facing a burglar whom he failed to arrest, a group of men singing whom he ordered to stop, and a black drunken woman, sleeping on a bench in a square, whom he dutifully arrested.<sup>73</sup>

It is not simple to verify the identity of these women. They probably were often imprecise in giving name and/or possible address, if the police cared at all to listen to them while making their notes.<sup>74</sup> But certainly the statistics of arrests grew with women such as Sebastiana Rosa, black, 21 or 22 years old (depending on the record) arrested on the 29 January 1909 on a charge of vagrancy; then on the 17 February for drunkenness, and again on the 20 for disorder, a charge that was repeated on the 16 March. The address is the same in the second and fourth charge, which permits us to be quite sure that the police were dealing with the same person; but on the third charge there is no address at all. The campaign against vagrancy, and especially vagrant women, in the streets was extremely fierce in the 5th DP during August and September 1913. We find many women arrested many times, and can make some connections to point to the permanence in the streets of some of those women. There is a very unusual figure of a European female vagrant appearing in 1909, once described as Dutch, 33, and once as English, 34, named Helena Lundero. She appears also in the 15th DP records as Helena Lundel, the victim of the assault referred to above, by her lover Joaquim Antonio Pereira. She is recorded again as English, 36, in 1913, with the name Helena Lindel - the spelling of foreign names was

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<sup>73</sup> Dominical, by João Luso, Jornal do Comércio, 28/1/1917.

<sup>74</sup> We can be reasonably certain of an individual under arrest being the same person when the address was the same, or when age and colour agreed. Affiliation, although usually recorded, was not useful due to the majority of unknown. The difficulty may be illustrated by the vagrancy arrest of 13/03/1909 that brought in two Benedita Maria da Conceição, or did the comissário recorded the same woman twice?

particularly tricky for the not so well educated *comissários*.<sup>75</sup> Among the vagrants of 1913, a good example is Henriqueta Gomes de Carvalho, a name unusual enough to allow us to believe her to be always the same person. Her first arrest was on charge of drunkenness, on 25 August. She had a job as a cook, and an address in one of the rooming houses of Travessa do Paço. When she was caught drunk again, three days later, she was recorded as without job or residence. We can only guess at what became so unbearable - or was it only the result of drunkenness - to Henriqueta that she used a cigarette to set her clothes on fire during the night. This did not make any difference to her future because she returned on the 12th and the 17th September to the same cell, and appeared again on the same charge four years later.<sup>76</sup>

The list of these women, mostly young non white and single could be made very extensive. They certainly could provide a busy day to the *comissários*, especially in the early years of the century, when the repression of vagrancy was harsher. This continuous association established a relationship that looks rather bureaucratic and from which concerns about personal condition were absent, but, at the same time the identification of these women was done on a personal basis, meaning that the *comissários* knew who were the habitual vagrants in their neighbourhoods. To a certain extent, the police might provide some sort of shelter for many of those vagrants when nothing else was available,<sup>77</sup> the

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<sup>75</sup> We can be sure that this was the same person because the address in the assault charge and in one of the vagrancy charges is the same. But she changes nationality and name. The Jornal do Comércio gave her another different name.

<sup>76</sup> Ocorrências, 5th DP, 25 and 28/8/1913; 12 and 17/9/1913, and 20/1/1917. Another problem of the records is that in the fourth charge she was reduced to Henriqueta Gomes. Probably the *comissário* was too busy to care about the whole surname of a vagrant; this is not the only case where this happens.

<sup>77</sup> Luiz Edmundo mentions the drunkard José Galinha looking for shelter in police stations and demanding to be put in jail:



attitude of the *comissários* went so far in helping vagrants. However, this sort of female offender soon would not represent any threat to society, becoming instead an interferer of the peaceful night's sleep of the police station. In the same way that too much contact dissolved the femininity of the common female offender from the point of view of the police, so it did with prostitutes.

#### d) Policing Prostitution

As Rio confirmed its place as the country's cultural - as well as political - capital during the second half of the nineteenth century, the subject of prostitution became increasingly important. Much was blamed on the evils of prostitution, but, at the same time, there was a certain agreement about its necessity given the large young male population. The different approaches among medical and juridical elites made ineffective any attempt to regulate prostitution through legal devices. Female slaves were put into prostitution as a means of profit to their owners, and the elites also had their favourite prostitutes represented by the French *cocottes*.<sup>78</sup> By the end of the century, Rio joined Buenos Aires as the end of the line for what was considered a profitable market in white

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When, about five or six in the morning, the bohemian feels sleepy and tired, he goes to the police station and hurls at the *prontidão* his usual harangue: 'Blasted police! Arrest me now or I will go to the *delegado*'s house and smash his windows. Damn the authorities, you blasted police. Arrest me or [I will smash] the windows!'. As the man had already gone twice to the *delegado*'s house and smashed his windows, the worried policemen throw him in jail immediately. That is what he wants, business as usual. With his night's stay guaranteed under a friendly roof, he goes into prison with some old newspapers because, he explains, he likes some comfort when he sleeps.

Luiz Edmundo, op. cit., p.105-106.

<sup>78</sup> On slave prostitutes see Sandra Lauderdale Graham, 'Slavery's Impasse: Slave Prostitutes, Small-time Mistresses, and the Brazilian Law of 1871'. Comparative Studies in Society and History, v. 33, n. 4, oct. 1991, pp. 669-694.

slavery, mostly recruited from the impoverished Jewish areas of central Europe.<sup>79</sup> It could be said that by the early twentieth century prostitution in Rio was divided into these three main groups: a high class prostitution, the middle group known as *polacas*, the eastern European women, and the poorest, and cheapest, black or *pardo* prostitution.

Although the state was not involved directly in the control of prostitution, only pimping was considered a crime, the police was always mixed up with the prostitutes, exercising some informal control. We can see from the press that complaints about widespread prostitution in the city centre were frequent, and that the police was expected to restrain their behaviour. There was tacit approval when policemen acted to impede prostitutes from walking the streets, even trying to force them to move out of the main thoroughfares. When, in the 1890s, the police began to arrest every prostitute walking in rua Senador Dantas the lawyer Evaristo de Moraes obtained a writ of habeas corpus to guarantee to prostitutes the freedom of circulation assured to every other citizen by the constitution.<sup>80</sup> The law that reorganised the police in 1907 contained a proviso calling for the special repression of 'scandalous prostitution', and this general climate among the elites set the tone for historians to point to an active police role against prostitution, which probably was not the common attitude.

In fact, the police contact with prostitution was too close and constant to be purely repressive. The relationship was much more complicated than that, and policemen and prostitutes had to work out some forms of coexistence. One obvious point is that prostitutes

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<sup>79</sup> On white slavery, from the European focus, see Edward J. Bristow, Prostitution and Prejudice. The Jewish Fight against White Slavery 1870-1939, Oxford, Clarendon Press, 1982, especially chapter 4. An account from Brazilian sources can be found in Margareth Rago, *op. cit.*

<sup>80</sup> Evaristo de Moraes himself tells the story of the legal battle in his book A Questão das Prostitutas. Rio de Janeiro, [no publisher], 1897. Such extralegal behaviour reached also pimps who were arrested and only released after presenting boat tickets to another country.

catered for policemen who were part of the world of young males that characterised the city - the *prontidão* of the 12th DP was arrested while having sex with a jailed prostitute.<sup>81</sup> More than that, the areas where prostitution was concentrated attracted disorderly groups which the police were particularly concerned to control, criminals as well as sailors and soldiers, and this also was of some interest to the women who were frequently victimised. Our sample of police records is not particularly useful for homicide; but it is significant that two of the six cases which are described from the beginning as homicide involved murdered prostitutes, repeating the *cause célèbre* of 1898, when the French prostitute Clara Mery - known as Madame Holofote because of her jewels - and her servant were beheaded by thieves.<sup>82</sup> On 16 March 1917 the 5th DP was called to rua das Marrecas 39, where the *comissário* found:

on the bed covered with blood was the prostitute Augusta Martins, Portuguese, parents unknown, white, 24, single, presenting two cuts in the neck, one of them very deep [...] After the corpse was photographed and the doctors made the examination, it was verified through a search of the premises that the reason for the beheading [sic.] was theft [there follows a list of stolen jewellery]

The case is not very different from that reported by the *comissário* of the 12th DP in 18 January 1925:

Mr. Jacinto Antonio Vieira, employee in the rooming house at rua dos Arcos 814 came to this station to report that Fanny Mayertall, Polish, 42, married, tenant of the front room was found dead. Going to the property I found the door of the said room open and entering I found that indeed the said Fanny lay dead over the bed, completely naked, lying on her back, with the arms crossed over the chest and tied with the sort of line used in fishing. On the neck we found visible signs of

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<sup>81</sup> Ocorrências, 12th DP, 13/2/1920.

<sup>82</sup> The case of the beheaded women of rua Senhor dos Passos involved many pieces of melodrama. The lawyer Evaristo de Moraes was convinced that it resulted in a wrongful conviction and was still fighting for a new trial ten years later when the convicted murderer was himself killed in jail. Evaristo de Moraes, *Reminiscências de um Rábula Criminalista*, Rio de Janeiro, Briguiet, 1989, p. 115-121.

strangling, being her mouth tied with the same line as the wrists. The room did not show evidence of a fight, only the bed...<sup>83</sup>

Such cases were exceptional because they represented the most serious crime described in the Penal Code, murder with the intention of robbery, and because they presented the very unusual situation of unknown perpetrators. The press followed such cases for some time; the figure of the ageing Polish prostitute, described as well to do, having a savings account and jewels, besides having received some lottery money two days before the murder, appealed to the general imagination. Details piled up in the press for the next few days: they told of her marriage in 1920 to a mysterious villain knew as Perroquet, who disappeared with a large sum of her money, and after that she became the mistress of a Portuguese man. Even after the loss she still counted among her properties two houses, jewels - which were not stolen after all, countering the initial idea of robbery - and 10:000\$000 in savings. The husband was later identified as Henry Edward Owens, known as having returned to Rio a month before the murder, having been sentenced for theft in São Paulo. The story petered out after he appeared before the police with a good alibi, depriving the press - and probably the police - of its main suspect.<sup>84</sup>

These were the extreme cases, but they demonstrate the real threat to prostitutes in their working conditions, alienated from accepted society. From the point of view of the prostitutes, the relationship with policemen appeared as something to be avoided whenever possible, but which they needed when victimised. There were circumstances when they

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<sup>83</sup> Ocorrências, 5th DP, 16/3/1917 and Ocorrências, 12th DP, 18/1/1925.

<sup>84</sup> After a week the story disappeared from the pages of the Jornal do Comércio. The evidence of fortune presented by some prostitutes is quite surprising; on 24 May 1923, the prostitute Paulina Sacman or Paulina Gennen died suddenly in her house, rua Joaquim Silva 3. She was Russian, widowed, 39 years of age. She owned five houses in the same street, where six other prostitutes lived, and had a small fortune in currency and savings listed in Ocorrências, 13th DP, 24/5/1923.

clearly decided to avoid contact with the police, for example in cases involving counterfeit money. The prostitute Alice Le Bihar went to the station to complain about a forged note only because it was the second time the same man used counterfeits; she explained that on the first occasion she preferred to destroy the bill 'to avoid troubles with the police'.<sup>85</sup>

The police were frequently called in to arbitrate disputes between prostitutes and customers. Arguments generally centred around money: Dirceu Dantas Duarte had sex with the prostitute Prazeres dos Santos and refused to pay, threatening her with a knife. The *comissário* reprimanded him for such incorrect behaviour but Dirceu reacted with a torrent of insults, accusing the *comissário* of being a 'pimp without any shame'. The *comissário* responded by prosecuting Dirceu for disrespect.<sup>86</sup> In other cases men spent the night with prostitutes, only to wake up with their valuables missing. Prostitutes were also the target for petty thieves, who found it easy to have access to their chambers.<sup>87</sup> Such disputes involving sex and money could finish in fights, and in red light districts such fights would attract a lot of people; Júlio Affonso had to be rescued by the police from the mob that attempted to lynch him after he shot the prostitute Ruth de Souza in the leg in a bar at Travessa do Paço.<sup>88</sup> All this forced the police to keep red light districts under close surveillance but without exerting the kind of pressure that would provoke conflict. Even policemen could disagree and argue, as when a civil guard complained of a military police

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<sup>85</sup> Ocorrências, 5th DP, 24/1/1917.

<sup>86</sup> Ocorrências, 5th DP, 2/11/1922. Accusations against policemen for protecting prostitutes appear now and then. Ocorrências, 13th DP, 26/9/1912 shows a man accusing the *comissário* of not helping a laundress who was not being paid by prostitutes.

<sup>87</sup> Heitor Guimarães, Brazilian, 24, single, without occupation was arrested in the bedroom of Ema Lalianne, at Beco Teotônio Regadas 18, stealing a pair of earrings. Armando Duarte complained that he had his wallet with 560\$000 stolen by the prostitute Anna Martins at rua Joaquim Silva 84. Ocorrências, 13th DP, 12 and 19/1/1917.

<sup>88</sup> Ocorrências, 5th DP, 20/3/1925.

*anspeçada* who insulted him. He had admonished the military policeman for criticising his decision in a dispute between a driver and a prostitute. In other occasion some policemen were escorting the prostitutes Francina Knight, Angelita Tuar and Mariette Guvai to the station when they complained the loss of a bracelet. It provoked a fight between military policemen and civil guards, because a military policeman accused the guards of stealing the bracelet.<sup>89</sup>

While in general, the police showed a very paternalistic and authoritarian attitude towards prostitutes, the behaviour in each circumstance could vary widely. There was some restraint as when a civil guard filed a complaint instead of arresting a woman who 'was making great scandal and leaving [her house] to invite passers-by to come in, and showing disrespect to the policeman'.<sup>90</sup> A more powerful *comissário* would send prostitutes to the station with a remark that 'they behaved in a way such as to deserve a serious correction'.<sup>91</sup> More frequent troublemakers sometimes appeared among the prostitutes, and they would soon be identified by the policemen. *Comissário* Paulo Filho had two encounters with Josefa Constancia Bonfim, known as Cow's eye [Olho de vaca]; in the first he was policing the area and arrested her for assault with a razor; less than two months later he was on duty at the station when she was brought in for 'being dressed immorally in front of her house'. He promptly marked her as a troublemaker.<sup>92</sup> Disorderly demeanour probably helped the police - if help they needed - to justify a certain harassment of prostitutes, in which they found support from society. When cases involved prostitutes they enjoyed a freedom of movement that they would not find elsewhere; the prostitute known as Lola was carried to

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<sup>89</sup> Ocorrências, 13th DP, 15/8/1923, and 5/4/1915.

<sup>90</sup> Ocorrências, 12th DP, 25/2/1917.

<sup>91</sup> Ocorrências, 13th DP, 10/11/1923. Prostitutes were easy target for such correctional arrests.

<sup>92</sup> She was *parda*, 24, single, prostitute, resident at rua dos Arcos 51. In the second case she was prosecuted as a vagrant. Ocorrências, 12th DP, 3/2/1921 and 31/3/1921.

the station accused of swearing and threatening another prostitute. She behaved inconveniently in the station, and was kept detained for a few hours, 'even being put in jail for a time'.<sup>93</sup> When they received a report that an accused deflowerer was sleeping with a prostitute they promptly invaded her room only to find that he was not there and to receive her furious invectives. She was arrested for disorder.<sup>94</sup>

Societal pressure and police action were mostly focused not on the prostitute herself but on the world that developed around her. If prostitution was not a crime, pimping was a permanent concern, especially when connected with white slavery in the figure of the Jewish pimp. Such men and women were persecuted by the police every now and then, and faced deportation.<sup>95</sup> There existed a general myth of the oppressing pimp exploiting poor deluded women. It is difficult to assess the truth of such an image, most of the time this international pimp is absent from police records, but in at least one case prostitutes came to defend someone accused of being a pimp; the *comissário* agreed and released the man.<sup>96</sup> There are also many cases of women complaining of assault in which the cause is given as a refusal to give money to lovers. That some repressive action was undertaken by the police in certain periods is evident in the wave of arrests of managers of rooming houses in 1915 mentioned earlier, and the arrests which followed a new law in 1921 forbidding bail in cases of pimping.<sup>97</sup>

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<sup>93</sup> Ocorrências, 13th DP, 18/2/1915.

<sup>94</sup> Ocorrências, 13th DP, 24/7/1923.

<sup>95</sup> On the expulsion of foreign pimps see Lenah Medeiros de Menezes, op. cit.

<sup>96</sup> Ocorrências, 13th DP, 17/3/1915. The story got terribly confused: a man followed the *comissário* to the station and questioned him about his behaviour in a way that displeased the *comissário*, and was detained. He returned again the next day, accompanied by Carlos Henry dos Reis Bianchi, who identified himself as a lawyer. He acted so disrespectfully that a flagrante of disrespect was made against him.

<sup>97</sup> Ocorrências, 12th DP, 3, 7, 8 and 11/2/1922.

Finally, in the 1920s, the police linked prostitution with the new crime of drug trafficking. Even before the law made it into a crime, the *comissário* of the 12th DP was already receiving complaints against chemists which sold cocaine freely to prostitutes. They were viewed as one of the main clients of cocaine dealers, and therefore many arrests were made in the prostitution areas, many times with the stated accusation of 'selling cocaine to the prostitutes'. The military police soldier Otoniel da Franca was arrested near his barracks when selling cocaine to the prostitute Judith Alves, only two months after the passage of the law that made such commerce a crime.<sup>98</sup>

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The relationship between policemen in the station and women provides both a complement and a contrast with the contacts with members of the elite described in the last chapter. Women composed a part of society that had no acknowledged power but which was deserving of protection. Certainly this protection was exercised under certain conditions, which most of the women were unprepared for or incapable of accepting. That threw them into the universe of the police station, where policemen were made the prime judges of the merits of women seeking help. The image of the respectful woman became too banal after frequent contacts with vagrants and prostitutes, and the police found that in most of the cases they could exercise an authority over them that most groups in society were able somehow to avoid. This disregard for the social value conferred on women was absent when families or the women themselves came to claim protection for their honour. In this case, the usual abuse of authority which faced women daily was used against the seducer, who was now put in a condition of undeserving the safeguards offered by the laws.

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<sup>98</sup> Ocorrências, 5th DP, 16/9/1921. It was not the first case; see also the arrest of Fernando Henrique, white, Portuguese, 22, single, offering cocaine for sale to the prostitutes at rua das Marrecas 22 in 20/8/1921.



## CONCLUSION

There is noise, tumult in the square. People on the run,  
scattering, screaming while searching to escape:

‘Jump in the water! There come the *meganha*!’

*Meganha* is the policeman. Years before they called them bats,  
or dog-killers.

But if some run away screaming, there are others, always, who  
shout in protest against the acts of the police, shrieking:

‘You can’t!’

You can’t! Those irrepressible, sincere words, a sign of their  
times, are never absent when there is a confrontation between,  
on one side the authority, the idea of legitimate power, and on  
the other, the people; when they confront each other, conflict  
erupts.

Is authority in the right or arbitrary? It does not matter. There is  
always shout; strong shout, ceaseless shout:

‘You can’t!’

It seems that from the subconscious of the protester come the  
refrained shouts of colonial times, when it was one of the worst  
crimes to raise the voice against the injustices of the King or his  
royal authority. You can’t! A pent up fury burst from chests!

But (how many things exist in the subconscious after all) what  
happens if the man who represents the discretion of power to  
correct us, the authority who holds the delinquent by the neck,  
in a gesture of power or abuse, answers the shout ‘You can’t!’  
with the question ‘You can’t what?’ The rabble stops; all among  
them silent, subservient, if someone does not come up with an  
answer, cowardly and solicitous, explaining:

‘You can’t release the man’

Luiz Edmundo, O Rio de Janeiro do Meu Tempo. (2nd Ed.) Rio  
de Janeiro, Xenon, [1987], pp. 23-24.

This scene, depicted by Luiz Edmundo with its vivid re-creation of street life in Rio in the early twentieth century, can be used to convey the feelings which surrounded the exercise of police authority. In its immediate, visible, signs, the relationship between the police and the public was permeated by violence, fear and perhaps a grudgingly conceded deference. It is not difficult to argue that things had not changed much during the century. But beyond the observational quality of Edmundo's text, his story can be used to assert some very diverse 'truths' about daily encounters between police and people. It can be used to illustrate the repressive and violent behaviour of the police, as well as the spineless character of Rio's rabble; as I guess was Edmundo's intention. Protest is treated in a very clever fashion, as originating from the sheer presence of the police, independent of their being reasonable or not under the circumstances. The police and the people in Luiz Edmundo do not act either as the rational individuals from modern liberal thought or as representatives of social classes in dispute, but they rather appear as enacting a long learned interplay. 'You can't!' is more ritual than reaction.

These observations are the more important now that the police is becoming the object of academic scrutiny. For a long period in Brazilian history, the police did not appear as a relevant or a possible subject for the human sciences. The subject grew in importance from the 1970s, both due to its relevance being internationally acknowledged, and because the matter acquired pressing pertinence in the rapidly deteriorating urban environment of Brazil's larger cities. But internal political conditions kept academic

interest away from the police at least until the 1980s. More recently, a corpus of knowledge has been steadily growing, in spite of research conditions being still difficult.<sup>1</sup>

This knowledge has the unavoidable duty of taking into consideration the enormous contemporary problems of urban Brazil, and frequently attempt to establish a theory about how the criminal justice system reached such a crisis. The first and easy explanation - and probably the one still prevalent - was to put the blame on the military governments after 1964. But historical research has been able to locate similar problems - even if on a smaller scale - deep down in the past. Recently, Thomas Holloway's book had the great merit of showing that arbitrary behaviour by the police in Rio de Janeiro began with the very creation of the police forces. Putting the behaviour of the police in historical perspective creates the requirement for historians to explain the reasons for the unchecked longevity of a system based on the abuse of power. The initial explanation here was to stress the interest of the upper classes in maintaining a tight and violent control over a massive and threatening underclass. But such theories face two sorts of problems: they ignore the problems posed in achieving such goal through the employment of a police force basically recruited from this same poor strata of society, and they do not account for the reasons why the Brazilian elites have not been able to move into a more consensual and less openly oppressive model of ruling, as occurred in many other countries.

Although the arbitrary use of police power may not have been stressed in our approach, the argument we have tried to develop in this thesis focuses around this issue. To

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<sup>1</sup> External research on policing is always a difficult task, because policemen carry an intense distrust of outsiders, and especially, it seems, of academics. I suppose every researcher who experienced contacts with policemen has his stories about resistance and prejudice. A colleague, trying to work on the military police archives, was submitted to a thorough questioning by an officer who was considerate enough to explain: 'You see, it is as if I had a daughter; I have to find out if you are an acceptable suitor...' This point is discussed to exhaustion by Malcolm Young, An Inside Job. Policing and Police Culture in Britain. Oxford, Oxford University Press, 1991.

understand how the police forces developed their procedures, it is necessary to analyse their action as one of the main linking elements between the state - and the ruling elites - and the citizens. Most of the time, this triad disappears in a legalistic view that considers the police as encompassed by the state; a situation which was never achieved in reality because both sides are not really committed to such identity. In many modern states the issue of state control and accountability of the police forces was very important, and it is possible to consider the police as an integrated organ of the state. It is also possible to conceive of examples in which the police grew to be almost identical to the state, forging what has been called the police state.

The case of Brazil - particularly of Rio de Janeiro - suggests a diverse development, when the lack of concern about how order was imposed allowed the growth of a very independent police system, virtually without control or accountability. The early twentieth century saw one of the few moments when there was an attempt by members of the elite to control and direct the police, following an international fashion for the subject and a need to regulate behaviour in a reorganised urban space, but the interest in policing soon vanished as an ungentlemanly business. For a short period the police accumulated 'sound' evidence - the piles of statistics we used above - to orient the elaboration of policies that never became law, leading to the usual complaints about the lack of support from the authorities, which in fact was quite true.

Control of the police never materialised. Efforts to establish a professional police force based on career policemen were certainly carried out; but, at the same time, the higher posts in policing were used as the initial steps in another and more noble path: the law profession. After a spell as *delegados*, those members of the educated elite would look for more comfortable jobs in the legal system or other areas of public administration. Law enforcement was not among the main concerns of the elites. Sometimes there was some public concern about order in the city, focused on vagrancy, prostitution or anarchism, which put pressure in the police system to present results, generally obtained through

massive arrests. The battle to force urban behaviour into acceptable patterns - at least where it could be seen - was won, but policing never achieved either social or political status.

But if the efforts to professionalise were thwarted, they certainly resulted in establishing a much more permanent core of police personnel. *Comissários*, *escrivães*, and agents grew in quantity and in importance, and began to look to their work as a permanent activity, much less subject to the influences of political connections which prevailed before. They were not very interested in the efforts to professionalize - meaning to educate - carried out by the police administrators who were always creating schools and inventing courses, but they went on with a *de facto* professionalization which meant how to survive, and to profit, on the job. Their science was learned by daily practice, by facing the opposition and antipathy of the city's population, and learning when they could assume themselves as the 'authority' - it is common usage in the streets of Rio to define the police as 'authority' [autoridade], the individuals embodying the principle - or when they would do better by being deferential to a higher power; a situation that was infrequent - although, as we have seen, it did happen - since it was not very common for the elites to be faced with the police.

Defining how the lower police echelons developed their attitudes and world views has been a central part of our argument. The law was an important element to delimit their territory, but had a very limited impact in defining how policemen had to behave. Such definitions came from experience, and experience gathered in a clientelistic world. Those requiring police assistance should either have the power to command it or to attach themselves to the rules of favour, behaving deferentially, expecting the policemen generously to grant them the exercise of their power. Such exercise of power was always directed against someone, the other side of a petty dispute or a suspect. Here the police was able to coerce and obtain results; faced with non-specified criminals the use of police power was usually in vain. To fulfill this void, the police elaborated their permanent roll of

usual suspects. Facing the most unruly among the urban poor they elaborated a generally pessimistic view of those that they had to police, who became mostly encompassed in a broad 'criminal class'. The memory of the job was an essential element; and those identified by the police as usual offenders frequently returned, reinforcing both their belief that they knew who the criminals were and their disbelief in the results of courts. Police identity acquired a deep sense of carrying a fight without support, even from those they were supposed to protect. As the official purveyors of public order, policemen received from the State a certain amount of power and the feeling of their own legitimacy; they did not receive much in the form of directives and regulations. The ruling elites did not intend to control the police, the least involved with such unpleasant matters the better they thought, and expected only a regular service of public order - which the police was happy to oblige as it was the source of their own power - and the necessary deference to the powerful. If the police abused their powers, it should not be expected that the ruling elites felt themselves responsible for such behaviour, after all it was common knowledge that the police was composed of very low types, uncontrollable rather than uncontrolled. Those who were caught deserved a severe punishment: the expulsion from the police, severing their links with formal authority generating the figure of the former policeman which is not absent from the records,<sup>2</sup> but charges against policemen rarely reached the courts.

Police work strategies were largely result of this abandonment by the state. A job had to be done, complaints would preferably be avoided, but that was all. The result of

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<sup>2</sup> The ex-agent Antonio Ribas Pontes, for example, appeared at the 15th DP, after arresting José Fernandes, employee of the restaurant and bar Elite. Fernandes told that he was returning home after work when he stopped in front of a church, having noticed a snake. He heard a shout ordering him to stop followed by gunshots and shout of 'stop, thief!'. Scared, he ran away and hid in a yard, where he was found, 'after suffering a revolting persecution, because it was done under heavy fire, having escaped only by a miracle.' Ocorrências, 19th DP, 17/2/1927. The same agent Pontes had been arrested a few days earlier after disrespect towards a *comissário*. Ocorrências, 19th DP, 6/2/1927.

mistakes was to take the blame, but the free hand acquired as long as it was successful was probably sufficient compensation. The problems of such position became clear when the different police forces had to interact. Professional disputes, jealousy, markedly different styles, and parallel structures of authority provoked complaints about the attitudes taken by the policemen of the other force: the civil police, short of actual manpower to control the streets, carefully recorded the abuses, the violence, and the disobedience of military policemen. These, on the other hand, deprived of actual power to transform an arrest into a criminal case, resisted and denounced the reasons for which the civil police released their prisoners. Both were probably right, but nobody cared.

The instance in which the state felt the requirement for a controlled police force was when armed opposition became a real threat in the 1920s. The solution found reflected the experience of past Chiefs of Police, who had relied on their *Delegados Auxiliares* and special task forces under their control to deal with problems. The 4th *Delegacia Auxiliar* was created and grew in importance along the 1920s, spreading in the streets the men in charge of 'Social Order'. It was part of the police, but to the daily worker of the stations, it was one more hunter invading their territory, with requirements of support and secrecy, and a much resented special authority conferred by their status of men from headquarters attending to the high problems of the state. The study of policing has frequently been subsumed under the study of political policing. At least in the case of Rio de Janeiro, such associations have to be taken with some caution, and probably most of the political tasks of surveillance have, since the 1920s, been attended to by army men.

The Brazilian revolution of 1930 offers an interesting image of the impact of major social uprisings on daily policing. The rebel forces raised against the government in the south of the country in 3 October, and marched without facing much resistance towards Rio, where a brief military coup overthrew the President on 24 October. This month brought police work to a standstill. Nothing but the odd traffic accident seems to have happened while the revolutionary forces advanced. Policemen faced a dubious future, too

much loyalty to either side could bring dangerous consequences; from the Occurrence books it is hardly noticeable that such momentous events were sweeping the country.

Silence was broken by the *comissário* on duty at the 13th DP on the 24 October:

At 8 a.m. on 24 October 1930, in the station of the 13th Police District, in the absence of the *senhor doutor delegado* Agenor Homem de Carvalho, present the police *comissários* Osvaldo Ribeiro Carrilho and Alfredo Luiz de Oliveira, *escrivão* José Luiz Ferreira Antunes, 2nd *Fiscal* of the Civil Guard Djalma Gomes Leal and the civil guards number 12, 355, 377, 186, 695, 271 524 and 905; in view of the abnormal situation, we decided - with personal sacrifice - to keep order in the area of this district, not only guaranteeing the opening for business but also the smooth running of traffic.

All goods, furniture and archives of this station were duly protected against violence or loss.

As Brazilians, faced with the sacrifice of the blood of our heroic compatriots, we decided to raise the national pavillion in honour of those who fell fighting to improve our national character and to offer a prayer to Our Lord Jesus Christ, in His Divine Mercy, to give our beloved Motherland Order and Progress.<sup>3</sup>

This was followed by the signatures of all those present. The situation slowly returned to normal. The new ruler appointed a doctor as the new Chief of Police, who replaced all but one of the *delegados*. For some time the police had to deal with invading forces, including the military police of other states, who provoked fights and evaded police control. On 10 November a corporal and soldiers of the military police of Rio Grande do Sul, after arguing about the bill, broke up a bar at rua Senador Eusébio. The agents of the 4th *Delegacia Auxiliar* - the social order branch - had to call the help of an army lieutenant to have them detained and carried to the army command, which refused to realese their names to the police.<sup>4</sup> In January 1931 the police had to cope with a brawl in a *pensão de mulheres*

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<sup>3</sup> Ocorrências, 13th DP, 24/10/1930. Later, on the day to comemorate the Brazilian flag, the *delegado* ordered that it be raised in the station and that all employees should pay their respects. Idem, 19/11/1930.

<sup>4</sup> Ocorrências, 14th DP, 10/11/1930.



- a brothel - where an army commissioned officer murdered a lieutenant of the military police of the state of Minas Gerais.<sup>5</sup>

The non-commitment of the state to a policy of urban security did not have the effect of creating a police force with very distinctive views of their own society. The experiences they relied upon were not much different from other police forces around the world in their cynical appraisal of human nature and classifying, dualist, attitudes towards the public.<sup>6</sup> The essential difference that marked the future development of policing in Rio was that they enjoyed a free hand in dealing with everyone who could not claim a link to the patronage structures of the state. Police violence and corruption were tolerated as long as they never crossed the borders of the privileged, and remained invisible in the underworld where the police was immersed. Up to the 1920s, it was still possible to have some control of the Civil Police through the lack of professionalization of the *delegados*. They were members of a juridical elite who made a living and gained some experience

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<sup>5</sup> Ocorrências, 13th DP, 14/1/1931. This is only a small example of the first days of the new order, a subject beyond our scope, but deserving closer inquiry. In the same 13th DP, in 24/12/1930, there is an interesting report about a strike of the employees of the Hotel Moderno for the lack of payment. The *comissário* refused to intervene as the owner demanded - saying he found it 'repugnant' to be asked to force unpaid workers to serve the guests. The owner tried unsuccessfully to recruit other servants but ended up forced to assume all the work with his family. After dinner, the owner and employees were called to the station where the *delegado* heard them in his audience.

<sup>6</sup> There is a traditional Brazilian saying: 'For friends, everything; for enemies, the law'. The police do not have many friends, and their classification goes between the indifferent and the positively hostile. The distribution of police favours do not follow the line friends vs. enemies but obey criteria of when they are expected to obtain some return. That is the logic of the informer, an 'enemy' to whom the policeman grants favour in return of information.

until they could get a better post in a more decent environment.<sup>7</sup> This presence of outsiders at the head of police work was uncomfortable for both sides. But the presence of long serving *delegados* was growing, and *comissários* were reaching promotion to *delegado*, a move already suggested by Aurelino Leal in 1917, as an important issue to consolidate the police career.<sup>8</sup> Such a trend only increased the distance between the police and other sectors of society.

This does not mean that the knowledge and unrestrained behaviour developed by the police could not be put to the service of the state, and the authoritarian regimes post 1930 and post 1964 certainly found ways of deploying such expertise. Serving the purposes of the state the police to a certain extent increased their power and influence but the demarcation of roles presented a permanent problem: passing into a political role the police lost part of its original identity, and the counterpart of power was more distrust both from the state they served, which preferred to see military officers controlling surveillance, and from the policemen who remained confined to their original tasks.

Despised from every corner of society, the police soon knew where they could take revenge or not. Their power was directed towards the lower strata of society, and was applied with the resentment of the knowledge of its limits. There was no question whether policing was effective or not because the tight social structures worked as enough deterrent

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<sup>7</sup> These short term *delegados* are still noticeable in the 1920s. Nelson Hungria, for example, arrived in Rio in 1922 to spend three years as a *delegado*, before entering the judiciary to begin a career which would lead him to the Supreme Court and a reputation as one of the great experts in criminal law in Brazil.

<sup>8</sup> Aurelino was not totally committed to the idea of a police career, but was favourable to some steps in that direction, as making internal promotions a practice, moving agents into assistant clerks [*escreventes*], those into *comissários*, and then up to *delegados*. Annaes da Conferência Judiciária Policial convocada por Aurelino de Araújo Leal, Chefe de Polícia do Distrito Federal, vol. 1. Rio de Janeiro, Imprensa Nacional, 1918, pp. 11-18.

against any serious crime problem. The power legally attributed to the police functioned in the fictional world of legal discourse, which seem to have made a point in ignoring what was happening in police stations. The power really exerted by the police existed outside the boundaries of citizenship, in the world of the excluded, and therefore was ignored.

It would take a serious deterioration of social relations to raise the question of a police problem in Rio de Janeiro. Only the increase and dissemination of violence that began to erupt in the 1960s, connected with a new authoritarian regime which directed police power against discordant elements of the higher social levels, would be able to raise the question of what the police were doing in the exercise of their function, and whether they were able to achieve any result through what was supposed to be policing. More resounding voices started to say: 'You can't!'

## **APPENDIX: A NOTE ON THE TRANSLATION OF CRIMINAL JUSTICE TERMS**

One of the most difficult tasks when preparing a work involving legal terms in a foreign language is the risk of conveying the wrong meaning when searching for a similar word. The risk is especially serious when one legal system derives from the traditions of Roman law and the other from Anglo-Saxon institutions. It is, therefore, necessary to attempt to summarize the institutions of Rio de Janeiro's legal system and to present the main criminal figures in their original form and the related English terms used in this work.

The offences punishable by the State during the period in this study were listed in the Penal Code of 1890, with a few changes and additions. The Penal Code was divided into four books: the first presenting general prescriptions about criminal responsibility, aggravating and extenuating circumstances, and conditions of punishment and its end or prescription. The fourth book made minor clarifications on how to begin penal procedures, conditions of bail and other matters. The core of the Code was in books two and three, which listed respectively, the Crimes and Contravenções.

Book two was divided into thirteen 'titles', each one split in chapters, in all comprising 276 articles. The list of titles and their main crimes is as follows:

- 1- Crimes against the political existence of the Republic
- 2- Crimes against the internal security of the Republic; which comprised conspiracy, illegal gatherings, resistance, disrespect and disobedience to the authorities, and escape of prisoners
- 3- Crimes against public peace; comprising arson, crimes against public transport and communications and against public health
- 4- Crimes against the free exercise of individual rights; comprising the protection of political, religious and work rights; protection of post and home
- 5- Crimes against public administration,; which listed the crimes committed by public officials
- 6- Crimes against public trust; listing the diverse kinds of forgeries
- 7- Crimes against the public finance - smuggling

8- Crimes against the safety of the honour and honesty [honra e honestidade] of the family and immoral behaviour (see below)

9- Crimes against civil status; including polygamy, unlawful marriage, forged and concealed childbirth, abduction, hiding and abandonment of minors

10- Crimes against the person (see below)

11- Crimes against honour and prestige; calumny and insults

12- Crimes against property (see below)

13- Crimes against person and property (see below)

The more important daily crimes appeared in chapters eight, ten, twelve and thirteen, and deserve to be discussed more carefully. Chapter twelve presented the crimes against property. Their forms were the damage [dano], theft [furto] with different punishments according to the value of the stolen goods, bankruptcy [falência], embezzlement [estelionato] breach of trust [abuso de confiança] and other frauds, and crimes against literary, artistic, industrial and commercial property. When the crime involved 'violence against the person or force against things', it fell in chapter thirteen under the heading of robbery [roubo], extortion; when it caused death it would be called latrocínio.

The crime of latrocínio received punishment equal to that of homicide under aggravating circumstances, listed in the title ten. Separate forms of homicide were poisoning and death caused by imprudence, malpractice or negligence [which will be called manslaughter for purposes of simplification]. The book listed also infanticide, abortion and help or inducement to suicide. The cases of assault - physical injuries - were divided in light or serious, and also those caused by imprudence, malpractice or negligence. Finally, following the tendencies of the nineteenth century, there were prescriptions of punishment for duels and the aggravating circumstance in assault cases of using insulting weapons, which meant the use of whips as the punishment characteristic of slaves, adding insult to injury.

Finally, title eight listed sexual crimes. To rape [estupro] and immoral behaviour [ultraje ao pudor] were added procuring [lenocínio] - prostitution in itself has never been a crime although the law that reformed the police in 1907 listed among the functions of the

Chief of police the repression of 'scandalous prostitution' - and adultery, this with the difference that it included any feminine adultery but masculine only when the man had a kept mistress. Two other sexual crimes were abduction [rapt] and defloration [defloramento]. Abduction involved taking a woman from home with immoral intent - unfulfilled otherwise it would be either defloration or rape. Defloration was defined as obtaining sexual favours of a minor woman - over 16 and under 21 - through the use of 'seduction, deceit or fraud'; the usual formula being the promise of marriage. The accused faced one to four years in jail unless he agreed to marry.

After the crimes, book three listed the contravenções, that can be translated as misdemeanours, which comprised what is currently defined as victimless crimes, divided in thirteen chapters:

- 1- Violation of cemeteries and tombs
- 2- Lotteries and raffles
- 3- Gambling and betting
- 4- Unauthorized pawn shops
- 5- The making and the use of guns
- 6- Creating general danger; which comprised carelessness with dangerous animals, mentally ill persons and destroying or removing public warnings
- 7- The use of a false name, uniform or title
- 8- Secret societies
- 9- Illegal printing
- 10- Failure to register birth
- 11- Damage to public goods
- 12- Begging while being able to work, and habitual drunkenness
- 13- Vagrancy and capoeira - a form of street fighting characteristic of Rio in the nineteenth century, which was criminalized in the code

The role of the civil police in the criminal procedures was to hear those involved and making the require examinations to prepare the 'inquérito policial' [police inquest], the first step of the procedures. Those 'inquéritos', in cases of crimes, would be forwarded to a public prosecutor, who would present a 'denúncia' [denunciation] to a single professional judge. In most cases of misdemeanour the role of the police comprised that of the public prosecutor, and they would present the case directly to the judge. After hearing the parties, the judge would either pass sentence or in some crimes decide that there was reasonable

basis for continuing procedures, forwarding the case to the Tribunal Civil e Criminal, were a chamber of judges would pass decision, or to the Tribunal do Juri. The jury was subject to harsh criticism by the end of the Nineteenth Century, and saw its role severely restricted: in our period they decided mainly in the cases of homicide and in the cases of defloration. these only until 1915.

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